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Monday  
December 21, 1987

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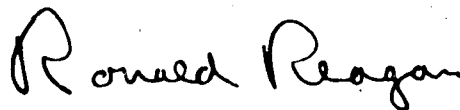
Executive Order 12617 of December 17, 1987

The President

President's Advisory Committee on Mediation and Conciliation

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act as amended (5 U.S.C. App. 1), and in order to extend the life of the President's Advisory Committee on Mediation and Conciliation, it is hereby ordered that Section 4(b) of Executive Order No. 12462 of February 17, 1984, as amended, is further amended to read: "The Committee shall terminate 60 days after the Committee submits its report to the President and the Director of the Federal Mediation and Conciliation Service, or no later than September 30, 1988, unless sooner extended."

THE WHITE HOUSE,  
December 17, 1987.



[FR Doc. 87-29300

Filed 12-17-87; 4:17 pm]

Billing code 3195-01-M



# Rules and Regulations

Federal Register

Vol. 52, No. 244

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 87-159]

#### Imported Fire Ant Regulated Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule.

**SUMMARY:** We are affirming without change an interim rule that amended the list of generally infested areas under the imported fire ant quarantine and regulations by adding areas in counties in Alabama, Arkansas, Georgia, Mississippi, North Carolina, and Texas. It also quarantined the state of Oklahoma, and designated areas in three countries in Oklahoma as generally infested areas.

**EFFECTIVE DATE:** January 20, 1988.

**FOR FURTHER INFORMATION CONTACT:** Charles H. Bare, Staff Officer, Plant Protection and Survey Section, Program Planning Staff, PPQ, APHIS, USDA, Room 643, Federal Building, Hyattsville, MD 20782, 301-436-8247.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule published in the Federal Register and effective September 1, 1987 (52 FR 32907-32912, Docket Number 87-077), we amended the regulations in 7 CFR 301.81 by adding Oklahoma to the list of quarantined states, designating areas in 3 counties in Oklahoma as generally infested areas, and adding to the list of generally infested areas 6 counties in Alabama, 2 counties in Arkansas, 11 counties in Georgia, 2 counties in Mississippi, 11 counties in North

Carolina, and 42 counties in Texas. We also made nonsubstantive, editorial changes. Our proposal invited the submission of written comments, which were required to be postmarked or received on or before November 2, 1987.

We received one comment that did not address our interim rule. The facts presented in the interim rule still provide a basis for this rule.

#### Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an estimated annual effect on the economy of approximately \$37,500; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This action affects the interstate movement of regulated articles from specified areas in Alabama, Arkansas, Georgia, Mississippi, North Carolina, Oklahoma, and Texas. Thousands of small entities move these articles interstate from the above mentioned states, and many more thousands of small entities move these articles interstate from other states.

However, based on information compiled by the Department, we have determined that approximately 896 small entities move these articles interstate from the specified areas in those states. Further, the overall economic impact from this action is estimated to be approximately \$37,500.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

#### Paperwork Reduction Act

The interim rule contained no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Imported fire ant, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

#### PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR Part 301 and that was published at 52 FR 32907-32912 on September 1, 1987.

**Authority:** 7 U.S.C. 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington DC, this 15th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-29163 Filed 12-18-87; 8:45 am]

BILLING CODE 3410-34-M

#### 7 CFR Part 301

[Docket No. 87-160]

#### Mediterranean Fruit Fly

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule.

**SUMMARY:** We are affirming without change an interim rule that quarantined an area in Los Angeles County in California because of the Mediterranean fruit fly and restricted the interstate movement of regulated articles from the quarantined area.

**EFFECTIVE DATE:** January 20, 1988.

**FOR FURTHER INFORMATION CONTACT:** Eddie Elder, Chief Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, Room 661, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6365.

**SUPPLEMENTARY INFORMATION:**

#### Background

In an interim rule published in the *Federal Register* September 2, 1987, and effective August 27, 1987 (52 FR 33218-33224, Docket Number 87-120), we amended the "Domestic Quarantine Notices" by adding a new Subpart 301.78, Mediterranean Fruit Fly (referred to as the regulations). The regulations quarantined an area in Los Angeles County, California, and restricted the interstate movement of regulated articles from the quarantined area to prevent the spread of the Mediterranean fruit fly. Comments on the interim rule were required to be postmarked or received on or before November 2, 1987. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

#### Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This amendment affects the interstate movement of regulated articles from a portion of Los Angeles County, California. It appears that there is very little commercial activity that may be affected by this rule in the quarantined area. Specifically, the quarantined area is comprised of private residences and small wholesale dealers and shops. The small entities that may be affected by this regulation appear to consist of approximately 15 nurseries, 40 wholesale produce dealers (of which

only 15 sell regulated articles), 75 mobile fruit vendors, five open fruit stands, and one farmers' market. Although these are small entities, they sell regulated articles primarily for local intrastate, not interstate, movement. Also, many of the retail shops and nurseries sell other items in addition to the regulated articles so that the effect, if any, of this regulation on these entities appears to be minimal. Further, the number of affected entities is small compared with the thousands of small entities that move these articles interstate from nonquarantined areas in California and other states.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation, Mediterranean fruit fly, Incorporation by reference.

#### PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR Part 301 and that was published at 52 FR 33218-33224 on September 2, 1987.

**Authority:** 7 U.S.C. 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.17, 2.51, and 371.2 (c).

Done in Washington DC, this 15th day of December, 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-29164 Filed 12-18-87; 8:45 am]

BILLING CODE 3410-34-M

#### Federal Crop Insurance Corporation

#### 7 CFR Part 422

[Doc. No. 5036S]

#### Potato Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Notice of extension of sales closing date.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for potato crop insurance in New Mexico, Oklahoma, and Texas, effective for the 1988 crop year only. This action is necessary because the policy for insuring potatoes contains administrative clarification of the procedures as they relate to production history and loss adjustment. This information has recently been provided to agents leaving an insufficient amount of time for marketing purposes. Therefore, additional time for applications to be accepted is being provided accordingly. The intended effect of this notice is to advise all interested parties of the extension of the sales closing date and to comply with the provisions of the potato crop insurance regulations with respect to the Manager's authority to extend sales closing dates.

**EFFECTIVE DATE:** December 21, 1987.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** The closing date for accepting applications for potato crop insurance in New Mexico, Oklahoma, and Texas is November 30.

Because of the delay in providing agents with clarification as to production history and loss adjustment relative to the current policy provisions resulting in a foreshortened marketing period, FCIC is extending the sales closing date in all counties in New Mexico, Oklahoma, and Texas, where potato crop insurance is offered.

Under the provisions of 7 CFR 422.7(b), the sales closing date for accepting applications may be extended by placing the extended date on file in the service office and by publishing a notice in the *Federal Register* upon determination that no adverse selectivity will result from such extension. If adverse conditions develop during such period, FCIC will

immediately discontinue acceptance of applications.

#### Notice

Accordingly, pursuant to the authority contained in 7 CFR 422.7(b), the Federal Crop Insurance Corporation herewith gives notice that the sales closing date for accepting applications for potato insurance in all counties in New Mexico, Oklahoma, and Texas, where such insurance is offered, is hereby extended through the close of business on December 24, effective for the 1988 crop year only.

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Done in Washington, DC, on December 8, 1987.

Edward D. Hews,

*Acting Manager, Federal Crop Insurance Corporation.*

[FR Doc. 87-29143 Filed 12-18-87; 8:45 am]

BILLING CODE 3410-06-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 304

#### Reporting Requirements on Deposits Placed by Deposit Brokers and Depository Institutions

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Federal Deposit Insurance Corporation ("FDIC") is changing from monthly to quarterly the frequency with which each FDIC-insured bank with combined fully insured brokered deposits and fully insured deposits placed directly by depository institutions in excess of either the bank's total capital and reserves or five percent of the bank's total deposits must report their holdings of such deposits to the FDIC. The purpose of this reporting requirement is to provide the FDIC with timely information on each FDIC-insured bank's involvement with insured brokered deposits and insured deposits of depository institutions. After collecting monthly reports for three years, the FDIC believes that it will be able to adequately monitor those banks with an extensive reliance on such insured funds from reports filed less frequently than monthly. The final monthly reports will be collected as of December 31, 1987. The first quarterly

reports will be collected as of March 31, 1988.

**EFFECTIVE DATE:** January 20, 1988.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Storch, Planning and Program Development Specialist, Federal Deposit Insurance Corporation, Division of Bank Supervision, 550 17th Street, NW., Washington, DC 20429, telephone (202) 898-6903.

#### SUPPLEMENTARY INFORMATION:

##### Background

In July 1984, the FDIC issued an interim final rule, effective August 6, 1984, requiring reports from each FDIC-insured bank for every month in which it held combined brokered deposits and "fully insured deposits of financial institutions" in excess of either the bank's total capital and reserves or five percent of its total deposits. 49 FR 27487 (1984). The first reports to be filed under the interim rule by banks subject to the reporting requirement were due within ten days after July 31, 1984. Upon issuing the interim rule, the FDIC provided a 60-day comment period ending September 4, 1984. The FDIC also established January 15, 1985, as the expiration date for the interim rule, intending to review the comments on the regulation and to issue a permanent rule by that date.

In December 1984, the FDIC adopted a final rule, effective January 16, 1985, concerning the reporting of deposits placed by deposit brokers and other depository institutions that differed somewhat in scope from the interim rule. 49 FR 48909 (1984). Thus, as suggested by many who offered comments on the interim rule, the final rule requires that only "fully insured" brokered deposits (and fully insured deposits placed directly by depository institutions) be subject to the monthly reporting requirement, not all brokered deposits as had been the case in the interim rule. The narrowed scope of the final rule has resulted in the gathering of information directly in line with the FDIC's concerns about deposit brokerage.

The FDIC's decision to adopt reporting requirements for deposits placed by deposit brokers and depository institutions followed the June 20, 1984, ruling by the Federal District Court for the District of Columbia that a regulation issued jointly three months earlier by the FDIC and the Federal Home Loan Bank Board to limit the insurance coverage of funds placed with an insured depository institution either by or through a deposit broker was

illegal. Moreover, many depository institutions have placed funds in fully insured amounts directly with banks around the country based solely on the rate of interest paid without regard to the financial condition of these banks. Because of its concerns about the misuse of such deposits by a significant number of banks, the FDIC determined that the establishment of a periodic reporting requirement would assist the FDIC in identifying institutions which exhibit an increasing reliance on fully insured deposits placed by brokers and depository institutions and which may be developing or experiencing financial difficulties.

##### Change in Reporting Frequency

Both before and during the time period this reporting requirement has been in effect, the FDIC has collected certain information on brokered deposits in quarterly Reports of Condition from insured banks. However, banks have 30 days (and in some cases 45 days) after the end of a calendar quarter in which to submit their Reports of Condition. In addition, the FDIC has no other source of information on fully insured deposits placed by depository institutions. Because of the speed with which large dollar amounts of these types of funds can be gathered by a depository institution, the FDIC initially determined that it would be appropriate to monitor such activity on a monthly basis. Early identification of insured banks with a significant volume of such fully insured deposits permits the FDIC to promptly ascertain the reasons for the acquisition of and the intended usage of deposits placed by deposit brokers and depository institutions.

While the FDIC's concern about the consequences of the inappropriate use by a bank of brokered deposits has not diminished since the interim rule first established a monthly reporting system, the FDIC has assessed the value of the information gathered under this three year old reporting requirement and now believes that it can reduce the reporting frequency from monthly to quarterly and still satisfy the objective of the regulation. In this regard, once an insured bank files an initial report, the data the bank files thereafter generally has not changed significantly from month to month. Furthermore, the only source of deposit data which can routinely provide the FDIC with an indication as to whether an individual insured bank might have surpassed the threshold for reporting, the Report of Condition, is collected on a quarterly

basis. Thus, during months other than those at the end of a calendar quarter, the FDIC cannot necessarily conclude that the absence of a report from any particular bank means that the bank is not subject to the reporting requirement.

The change from monthly to quarterly reporting will become effective January 20, 1988. Hence, the final monthly report required of an insured bank with combined fully insured brokered deposits and fully insured deposits placed directly by depository institutions in excess of either the bank's total capital and reserves or five percent of the bank's total deposits would be prepared as of December 31, 1987. The first quarterly report date as of which an insured bank would need to measure the combined amount of such deposits for purposes of determining whether it must file a report would be March 31, 1988.

#### Procedural Requirements

The Board of Directors finds that the solicitation of public comments on this amendment to § 304.6 of the FDIC's rules and regulations is not necessary because the amendment is minor in nature and because the FDIC solicited comments on the substance of this regulation's reporting requirement in 1984 prior to its adoption as a final rule. Because comments are not being requested on this amendment pursuant to section 553 of the Administrative Procedures Act (5 U.S.C. 553), the Regulatory Flexibility Act (5 U.S.C. 601-612) is not applicable.

The amendment reduces from monthly to quarterly the frequency of a reporting requirement that applies to all FDIC-insured banks with fully insured brokered deposits and fully insured deposits placed directly by depository institutions that exceed specified levels and does not affect or limit a bank's operations. Thus, the effect of this amendment will be to reduce the burden that this reporting requirement imposes on banks with such deposits. The reporting requirement contained in this amended rule has been reviewed by the Office of Management and Budget pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)) and has been assigned control number 3064-0074.

The FDIC is promulgating this regulation under its authority granted in sections 7, 9, and 10(b) of the Federal Deposit Insurance Act, 12 U.S.C. 1817, 1819, and 1820(b).

#### List of Subjects in 12 CFR Part 304

Administrative practice and procedure, Bank deposit insurance, Banks, Banking, Foreign banks, Banking, Reporting and recordkeeping.

Accordingly, the FDIC hereby amends 12 CFR Part 304 as set forth below.

#### PART 304—FORMS, INSTRUCTIONS, AND REPORTS

1. The authority citation for Part 304 continues to read as follows:

Authority: 5 U.S.C. 552; 12 U.S.C. 1817, 1818, 1819, 1820.

2. Paragraph (a) of § 304.6 is revised to read as follows:

#### § 304.6 Report of fully insured brokered deposits and fully insured deposits placed directly by depository institutions.

(a) *Filing.* (1) Within ten days after the end of each calendar quarter, each insured bank shall report the data described in paragraph (a)(2) of this section to the appropriate FDIC regional director—bank supervision if the total amount of the bank's fully insured brokered deposits and fully insured deposits placed directly by depository institutions as of the end of that calendar quarter was in excess of either the bank's total capital and reserves or five percent of the bank's total deposits on such date;

(2) If a report is required by paragraph (a)(1) of this section, it must be in letter form, signed by an executive officer of the bank, and contain the following bank data, as of the end of the calendar quarter in question: Total fully insured brokered deposits, total fully insured deposits placed directly by depository institutions, total assets, total loans and leases (net of unearned income), total deposits, and total capital and reserves. The report must also include the range of rates paid on fully insured brokered deposits and fully insured deposits placed directly by depository institutions received during the reporting quarter. Dollar amounts may be rounded to the nearest thousand.

\* \* \* \* \*

By Order of the Board of Directors. Dated at Washington, DC, this 24th day of November, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-29125 Filed 12-18-87; 8:45 am]

BILLING CODE 6714-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration 14 CFR Part 39

[Docket No. 86-ANE-10; Amdt. 39-5726]

**Airworthiness Directives; Garrett Turbine Engine Company (GTEC), TPE331-25AA, -25AB, -25DA, -25DB, -25FA, -43A, -43BL, -47A, -55B, and -61A Turboprop Engines**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment amends an existing airworthiness directive (AD) to require a one-time inspection of the second stage turbine stator for misassembled cooling jets. It also adds another model engine and another part number stator to the applicability and retains the previous repetitive inspection requirement for severe warpage of the stator seal plate assembly on TPE331 Pre-Century series engines. This amendment is needed to prevent misassembled and warped stators from causing interference between the second stage rotor and the second stage turbine stator seal plate assembly which may result in an uncontained failure of the second stage turbine rotor assembly.

**DATES:** Effective December 21, 1987.

Compliance—As indicated in the body of the AD.

#### Incorporation by Reference

Approved by the Director of the Federal Register as of December 21, 1987.

**ADDRESSES:** The applicable alert service bulletins may be obtained from: Garrett Airline Service Division, Technical Publications Department 65-70, P.O. Box 29003, Phoenix, Arizona 85072; telephone (602) 225-2969/2973. A copy of the alert service bulletins is contained in Rules Docket No. 86-ANE-10, at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

**FOR FURTHER INFORMATION CONTACT:** Stephen Kolb, Supervisory Aerospace Engineer, Propulsion Branch, ANM-140L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6327.

**SUPPLEMENTARY INFORMATION:** This amendment amends Amendment 39-5275 (51 FR 12989; April 17, 1986), AD 86-08-06, which requires inspection of certain TPE331 engines for warpage of the second stage turbine stator seal

plate assemblies. Contact between the seal plate assembly and the second stage turbine rotor assembly could result in uncontained separation of the rotor assembly. After issuing AD 86-08-06, Amendment 39-5275, the FAA has determined that an unknown number of second stage stator assemblies have been misassembled during manufacture and installed in engines with the cooling air jets facing the wrong direction.

This amended AD requires a one-time radiographic inspection to determine cooling air jet orientation, continues to require the repetitive radiographic inspections to detect warpage, and requires engine repairs as necessary. These inspections are required to prevent misassembled and warped stators from interfering with the second stage rotor. Contact between these assemblies has resulted in four reported cases of uncontained separation of the second stage turbine rotor assembly. This amendment also adds Model TPE331-61A engines and all model engines with part Number 865037-80 stators to the applicability inasmuch as the same problems may exist with these items. The -61A model was thought to be permanently out of service when Amendment 39-5275 was issued, and the Part Number 865037-80 stator is a recently introduced item.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

## Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

## List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by Reference.

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends § 39.13 of Part 39 of the Federal Aviation Regulations (FAR) as follows:

## PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449; January 12, 1983); and 14 CFR 11.89.

### § 39.13 [Amended]

2. By amending Amendment 39-5275, Airworthiness Directive (AD) No. 86-08-06, (51 FR 12989; April 17, 1986), as follows. The AD is restated in its entirety for clarity.

#### Garrett Turbine Engine Company (GTEC):

Applies to GTEC Model TPE331-25AA, -25DA, -25AB, -25DB, -25FA, -43A, -43BL, -47A, -55B, and -61A turboprop engines.

Compliance is required as indicated unless already accomplished. To prevent uncontained failure of the second stage turbine rotor assembly, accomplish the following:

(a) Radiographically inspect Part Number 865037-10 through -70 second stage turbine stator seal plate assemblies installed in TPE331-25AA, -25AB, -25DA, -25DB, -25FA, -43A, -43BL, -47A and -55B turboprop engines within the next 200 engine hours time in service after April 18, 1986, or prior to the next 500 engine hours time in service since the last engine overhaul, whichever comes later, and at intervals not to exceed 300 engine hours thereafter in accordance with the accomplishment instructions of Garrett Alert Service Bulletin TPE331-A72-0522, Revision 2, dated July 1, 1987, except that use of prior issues of this service bulletin are acceptable for inspections conducted before the effective date of this amendment.

(b) Radiographically inspect Part Number 865037-80 second stage turbine stator seal plate assemblies installed in TPE331-25AA, -25AB, -25DA, -25DB, -25FA, -43A, -43BL, -47A, and -55B turboprop engines and Part Number 865037-10 through -80 stator assemblies installed in TPE331-61A turboprop engines within the next 200 engine hours time in service after the effective date of this amendment, or prior to the next 500 engine hours time in service since the last engine overhaul, whichever comes later, and at intervals not to exceed 300 engine hours thereafter in accordance with the accomplishment instructions of Garrett Alert Service Bulletin TPE331-A72-0522, Revision 2, dated July 1, 1987.

(c) Radiographically inspect Part Number 865037-10 through -80 second stage turbine

stator seal plate assemblies installed in TPE331-25AA, -25AB, -25DA, -25DB, -25FA, -43A, -43BL, -47A, -55B, and -61A turboprop engines within the next 200 engine hours time in service after the effective date of this amendment, to determine cooling jet orientation, in accordance with the accomplishment instructions of Garrett Alert Service Bulletin TPE331-A72-0560, dated July 1, 1987. This is a one-time requirement.

**Note.**—The radiographic film obtained from a previously inspected engine can be used to determine compliance with paragraph (c) of this amendment.

(d) Remove the engine from service prior to further flight if the second stage turbine stator seal plate assembly fails to meet the above service bulletin radiographic inspection standards for misassembly or warpage. Repair the engine per the accomplishment instructions of the applicable service bulletin before return to service.

**Note.**—GTEC has also provided instructions for accomplishing an interim rotational check of the engine in paragraph 2.A. in Garrett Alert Service Bulletin TPE331-A72-0522, dated July 1, 1987. The FAA has approved and encourages operators to perform this inspection at 25 hour intervals until the radiographic inspection is accomplished; however, the rotational check is not mandatory.

Aircraft may be ferried in accordance with the provisions of FAR's 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Los Angeles Aircraft Certification Office, Federal Aviation Administration, Northwest Mountain Region, 4344 Donald Douglas Drive, Long Beach, California 90808.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Los Angeles Aircraft Certification Office, may adjust the compliance time specified in this AD.

Garrett Alert Service Bulletins TPE331-A72-0522, Revision 2, dated July 1, 1987, "Engine—Turbine Section—Inspect Second Stage Stator Assembly" and TPE331-A72-0560, dated July 1, 1987, "Engine—Turbine Section—Inspect Second Stage Stator Assembly" identified and described in this document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Garrett Airline Service Division, Technical Publications Department 65-70, P.O. Box 29003, Phoenix, Arizona 85072; telephone (602) 225-2969/2973. These documents also may be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Room 311, Rules Docket No. 86-ANE-10, between the hours of 8:00 a.m. and 4:30

p.m., Monday through Friday, except Federal holidays.

This amendment becomes effective on December 21, 1987.

This amendment amends Amendment 39-5275 (51 FR 12989; April 17, 1986), AD 86-08-06.

Issued in Burlington, Massachusetts, on September 2, 1987.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 87-29180 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 87-ANE-32; Amdt. 39-5785]

#### Airworthiness Directives; Glaser-Dirks Model DG-400

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) applicable to Glaser-Dirks Model DG-400 motor gliders which requires inspection and replacement of certain engine cables and terminal connectors. The engine cables involved are the starter electrical cable and electrical bonding cables at the engine mounting area. This action was prompted by several instances of cable terminal connectors cracking due to engine vibration. The cause of this failure was found to be insufficient terminal connector strength to withstand engine vibration. This condition, if not corrected, could result in inability to obtain power in flight with the possible consequences of an uncontrolled landing.

**DATES:** Effective—December 23, 1987.  
Compliance Schedule—As prescribed in the body of the AD.

#### Incorporation by Reference

Approved by the Director of the Federal Register as of December 23, 1987.

**ADDRESSES:** The technical information and modification parts specified in this AD may be obtained from Messrs. Glaser-Dirks Flugzeugbau GmbH, Im Schollengarten 19-20, 7520 Bruchsal 4, Federal Republic of Germany; telephone 07257-1071. A copy of the technical note is contained in the Rules Docket, Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

**FOR FURTHER INFORMATION CONTACT:** Mr. Heinz Hellebrand, Brussels Aircraft Certification Office, Europe, Africa, and

Middle East Office, Federal Aviation Administration, c/o American Embassy, 15 Rue de la Loi B-1040, Brussels, Belgium; telephone 513.38.30 Ext. 2710, or Mr. Raymond J. O'Neill, ANE-174, Federal Aviation Administration, New England Region, New York Aircraft Certification Office, 181 S. Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-7421.

**SUPPLEMENTARY INFORMATION:** Glaser-Dirks had determined that damage due to cracking may occur on the engine terminal connectors of cables 18w (engine mounting frame ground), 44w (positive terminal on the starter motor) and 20w (which bridges the right hand lower rubber engine mount). This type of damage has been caused by engine vibration in several instances. The manufacturer has issued Technical Note TN 826/19, dated March 3, 1987, which requires a visual inspection of the suspect cables and a modification to reinforce certain terminal connectors and replace cable 20w with a thinner more flexible component. The applicability of these modifications varies with different work number airplanes between 4-1 through 4-178. The Luftfahrt-Bundesamt (LBA), which has responsibility and authority to maintain the continuing airworthiness of these motor gliders in the Federal Republic of Germany, has issued AD 87-109, Glaser-Dirks, on motor gliders operated under the Federal Republic of Germany registration. The FAA relies upon the certification of the LBA, combined with FAA review of pertinent documentation, in finding compliance of the design of these gliders with the applicable United States airworthiness requirements, and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Glaser-Dirks Technical Note TN 826/19 and the issuance of AD 87-109 Glaser-Dirks by the LBA. Based on the foregoing, the FAA has determined that the condition addressed by Glaser-Dirks Technical Note TN 826/19 is an unsafe condition that may exist on other products of the same type design certificated for operations in the United States. Therefore, an AD is being issued to require inspection, modification, and replacement, as necessary, of cable terminal connectors and certain cable assemblies.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this

amendment effective in less than 30 days.

#### Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

#### PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Glaser-Dirks Flugzeugbau GmbH: Applies to Model DG-400, work numbers 4-1 through 4-178 certificated in any category.

Compliance is required as indicated unless already accomplished. To prevent cracking of engine cable terminal connectors which could result in inability to obtain power in flight, accomplish the following:

(a) Within the next 5 hours time-in-service after the effective date of this AD, and thereafter prior to each engine start, until accomplishment of paragraph c, check the terminals of cables 44w, 18w, and 20w for any signs of wear, chafing, or cracks in accordance with the methods indicated in Procedure (1) of Glaser-Dirks, Technical Note TN 826/19, dated March 3, 1987:

(1) Procedure 1(A) applies to work numbers 4-1 to 4-105 inclusive.

(2) Procedure 1(B) applies to work numbers 4-106 to 4-178 inclusive.

Note. This check may be performed by the pilot.

(b) If any signs of wear, chafing, or cracks exist, before further flight, modify and replace in accordance with paragraph (c) of this AD.

(c) Within 90 days after the effective date of this AD, unless previously accomplished as required by paragraph (b), replace terminal connectors for cables 18w and 44w, and cable 20w, if applicable, in accordance with Procedure 2 of Glaser-Dirks Technical Note TN 826/19 and Glaser-Dirks Service Instruction 1/9/86, dated March 10, 1987:

(1) Part I of Service Instruction 1/9/86 applies to work numbers 4-1 to 4-105.

(2) Part II of Service Instruction 1/9/86 applies to work numbers 4-106 to 4-150.

(3) Part III of Service Instruction 1/9/86 applies to work numbers 4-151 to 4-178.

Motor gliders affected by this AD may be ferried in accordance with the provisions of FAR Section 21.197 and 21.199 to a base where the AD may be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Brussels Aircraft Certification Office, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, 15 Rue de la Loi B-1040, Brussels, Belgium; telephone 513.38.30 ext. 2710 or the Manager, New York Aircraft Certification Office, Federal Aviation Administration, New England Region, 181 S. Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-6680.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Brussels Aircraft Certification Office or the Manager, New York Aircraft Certification Office, may adjust the compliance time specified in this AD.

Glaser-Dirks Technical Note TN 826/19, dated March 3, 1987, and Service Instruction 1/9/86, dated March 10, 1987, identified and described in this document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Glaser-Dirks Flugzeugbau GmbH, Im Schollengarten 19-20, D-7520 Bruchsal 4, Federal Republic of Germany. These documents may also be examined at the Office of the Regional Counsel, Rules Docket No. 87-ANE-32, Room 311, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

This amendment becomes effective on December 23, 1987.

Issued in Burlington, Massachusetts, on November 18, 1987.

Monte R. Belger,

Acting Director, New England Region.

[FR Doc. 87-29178 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 86-ANE-39; Amdt. 39-5787]

#### Airworthiness Directives; TEXTRON Lycoming (formerly Avco Lycoming TEXTRON) Model LTS101 Series Turboshaft Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule, request for comments.

**SUMMARY:** This action publishes in the Federal Register and makes effective to all persons an amendment adopting a new airworthiness directive (AD) which combines and amends the requirements of three priority letter AD's 86-22-08, 87-10-10 RI (which amended priority letter AD 87-10-10), and 87-12-11, which were previously made effective as to all known U.S. owners and operators of TEXTRON Lycoming (formerly Avco Lycoming TEXTRON) Model LTS101 series turboshaft engines by individual priority letters. This AD requires inspections and maintenance actions to monitor and ensure the satisfactory condition of the engine lubrication system and the integrity of the Number 3 bearing in the rear bearing support housing (RBSH) and the Number 4 bearing in the engine gearbox. This AD is needed to prevent an uncontained failure of the power turbine (PT) disk which could result from failure of the Number 3 or the Number 4 bearings.

**DATES:** Effective on December 23, 1987, as to all persons except those persons to whom the respective provisions were made immediately effective by priority letter AD 86-22-08, issued October 30, 1986; priority letter AD 87-10-10 RI, issued June 16, 1987; and priority letter AD 87-12-11, issued June 16, 1987, which have been combined into this amendment.

Comments for inclusion in the docket must be received on or before February 23, 1988.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 23, 1987.

**Compliance Schedule**—As prescribed in the body of the AD.

**ADDRESSES:** The applicable service documents may be obtained from

TEXTRON Lycoming, Williamsport Division, LT101 Product Support, 652 Oliver Street, Williamsport, PA 17701, or may be examined in the Regional Rules Docket at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Comments on the amendment may be mailed in duplicate to:

Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 86-ANE-39, 12 New England Executive Park, Burlington, MA 01803 or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: "Docket No. 86-ANE-39".

Comments may be inspected at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Robbin Goulet, Engine Certification Branch, ANE-141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803; telephone (617) 273-7089.

**SUPPLEMENTARY INFORMATION:** On October 30, 1986, priority letter AD 86-22-08 was issued, and on June 16, 1987, priority letter AD's 87-10-10 RI and 87-12-11 were issued and were made effective immediately to all known U.S. owners and operators of TEXTRON Lycoming Model LTS101 series turboshaft engines. The priority letter AD's require inspections and maintenance actions to monitor and ensure the satisfactory condition of the engine lubrication system and the integrity of the Number 3 and Number 4 bearings. Priority letter AD action was necessary to prevent an uncontained failure of the PT disk which could result from failure of the Number 3 bearing in the RBSH or the Number 4 bearing in the engine gearbox.

There have been two uncontained PT disk failures on LTS101-750 series engines which resulted from failure of the Number 3 bearing. In one case, failure was attributed to progressive deterioration of the bearing, and in the second case, failure was attributed to insufficient lubrication. The LTS101-750 series engine Number 3 bearing assembly and lubrication system type design is similar to those in all LTS101 series model engines. There have been several additional cases of Number 3

bearing failures due to similar failure modes in which the PT disk was retained.

In addition, there have been two uncontained PT disk failures on LTS101-650 series engines which resulted from failure of the Number 4 bearing. The investigations aimed at identifying the cause of the Number 4 bearing failures are continuing. The LTS101-650 series Number 4 bearing and power pinion gear assembly type design is similar to those in all LTS101 series model engines. There have been several additional Number 4 bearing failure cases in which the PT disk was retained.

Two of the four uncontained disk failures were each preceded by several debris monitor cockpit indication light illuminations due to metal contamination. In one of the four cases, the light was not illuminated due to a breakage in the indication light system wiring. In another case, the light was not illuminated due to an excessive build-up of carbon on the debris monitor. The Number 4 bearing failure can result in loss of, or erratic PT speed (Np) indication, in addition to the debris monitor indication light illumination. The Np signal was lost prior to both of the uncontained failures attributed to Number 4 bearing failures. In all four cases, fragments from the failed disks damaged the other engine resulting in loss of power. In three of the four cases, fragments severed the tail rotor driveshaft resulting in loss of tail rotor control.

The requirements of priority letter AD's 86-22-08 and 87-10-10 R1, contained in this rule are being amended to change the visual inspection of the appropriate debris monitor for metal contamination from a daily requirement to a 50-hour repetitive requirement. They are also being amended to eliminate the requirement to perform a clogging inspection of the Number 2 and Number 3 bearing oil jets upon a debris monitor cockpit indication light or upon visual inspection of the appropriate debris monitor under certain conditions. The FAA has determined that based on the reliability of the debris monitor indication light system(s) which is provided by the daily functional check, a 50-hour repetitive inspection will achieve a satisfactory level of safety.

The requirement to perform a clogging inspection of the Number 2 and Number 3 bearing oil jets under the above stated conditions is being eliminated, because although it helps to determine whether the RBSH and oil feed ring will need to be cleaned of carbon when disassembled, this AD retains a priority letter inspection requirement which ensures reassembly of essentially

carbon-free hardware. The inspection may have been used as an aid in determining if the bearings were subjected to insufficient lubrication; however, these conditions are noticeable upon bearing inspection during the disassembly.

The requirements of priority letter AD 86-22-08 are being amended to eliminate the daily visual inspection of the RBSH scavenge debris monitor for varnish and/or carbon. The FAA has determined that the requirements of this AD preclude a condition whereby significant varnish and/or carbon buildup would occur and prevent metal from bridging the debris monitor magnetic contacts.

The pressure ranges specified for the engine oil pump output pressure check have been changed in this AD with respect to the ranges given in priority letter AD's 87-10-10 R1 and 86-22-08. The check will have to be repeated if it was performed in accordance with the above priority letter requirements, in the absence of documentation verifying that the pump was set at a value within the applicable range given in this AD.

This AD requires: (1) Maintenance action upon illumination of the debris monitor cockpit indication light that is wired to the RBSH scavenge debris monitor and/or the airframe mounted full flow scavenge debris monitor, (2) a functional check of the full flow and RBSH, if so configured, scavenge debris monitor indication light system(s) each day of operation, (3) a 1-time oil pump pressure output check, (4) repetitive oil acidity checks under certain conditions, (5) a 1-time inspection of the front face of the Number 4 bearing cage for cracking or metal release, (6) a 50-hour repetitive visual inspection of the RBSH scavenge debris monitor, if so configured, otherwise an inspection of the full flow scavenge debris monitor for metal contamination, and (7) maintenance action following engine assembly under certain conditions, a change in engine oil type, downward adjustment of the oil pump output pressure, and/or exceedance of the appropriate engine maintenance manual limit for the clogging inspection of the Number 2 and Number 3 bearing oil jets.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the three priority letter AD's effective immediately by individual letters issued on October 30, 1986, and June 16, 1987, to all known U.S. owners and operators of certain TEXTRON Lycoming model LTS101 series turboshaft engines. These conditions still exist and the AD's

(combined into this AD) are hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make them effective as to all persons.

Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedures, comments are invited on the rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above.

All communications received on or before the closing date for comments will be considered by the Director. This rule may be amended further in light of comments received. Comments that provide a factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effectiveness of the AD and determining whether additional rulemaking is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available for examination in the Rules Docket at the address given above. A report summarizing each FAA-public contact, concerned with the substance of this AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 86-ANE-39". The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that this is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is

not required). A copy of it, when filed, may be obtained from the Regional Rules Docket.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Engines, Safety, Incorporation by Reference.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

#### PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-448, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

**TEXTRON Lycoming (formerly Avco Lycoming Textron):** Applies to TEXTRON Lycoming Model LTS101 series turboshaft engines.

Compliance is required as indicated, unless already accomplished.

To prevent an uncontained failure of the power turbine (PT) disk, which could result from failure of the Number 3 or Number 4 bearings, accomplish the following:

(a) Visually inspect the rear bearing support housing (RBSH) scavenge debris monitor (if installed) for metal contamination, prior to further flight, whenever the debris monitor cockpit indication light that is wired to the RBSH scavenge debris monitor is illuminated. If metal debris is evident, accomplish paragraphs (a)(1) and (a)(2) below, prior to further flight. If no metal debris is evident, and the RBSH and airframe mounted full flow scavenge debris monitors are wired in conjunction with the same cockpit indication light, proceed to paragraph (b) below; otherwise, if no metal debris is evident, the engine may be returned to service.

Notes: 1. If metal debris is found, it should be retained as an aid in accomplishing the lubrication system contamination troubleshooting requirements of paragraph (a)(2) below.

2. If metal debris is not found, illumination of the cockpit indication light may have been caused by a short in the indication system. Troubleshoot and correct the indication system in accordance with the appropriate aircraft maintenance manual instructions.

(1) Disassemble the RBSH assembly to correct the cause of metal debris contamination, and inspect the Number 2 and Number 3 bearings and associated components.

NOTE: Refer to the appropriate engine maintenance manual instructions.

(2) Accomplish the lubrication system contamination troubleshooting requirements in accordance with the procedure given in the

appropriate engine maintenance manual to ensure the remainder of the engine is not contaminated, or to correct the source of metal debris if no distress was found in the RBSH assembly.

(b) Visually inspect the full flow scavenge debris monitor for metal contamination, prior to further flight, whenever the debris monitor cockpit indication light that is wired to the full flow scavenge debris monitor is illuminated. If metal debris is evident, accomplish the following applicable paragraph below ((b)(1), (b)(2), or (b)(3)), prior to further flight. Otherwise, if no metal debris is evident, the engine may be returned to service.

Notes: 1. If metal debris is found, it should be retained as an aid in accomplishing the lubrication system contamination troubleshooting steps as referenced below.

2. If metal debris is not found, on the debris monitor, illumination of the cockpit indication light may have been caused by a short in the indication system. Troubleshoot in accordance with the appropriate aircraft maintenance manual instructions.

3. The gearbox chip detector, the PT speed (Np) and gas producer speed (Ng) pickups, and the RBSH scavenge debris monitor can be used to isolate the source of metal contamination. Refer to the appropriate engine maintenance manual Lubrication System Contamination Troubleshooting section and Avco Lycoming TEXTRON Customer Service Letter (CSL) 035 R-1 for additional guidance.

(1) If metal other than fuzz is found on the full flow scavenge debris monitor, disassemble the engine or affected module to determine and correct the source of metal. If only metal fuzz is found on the full flow scavenge debris monitor but the engine is not fitted with an RBSH scavenge debris monitor, disassemble the engine or affected module to determine and correct the source of metal.

Notes: 1. For the purpose of this AD, fuzz is defined as fine hair-like particles not having a discernible length, width, or diameter when visually inspected.

2. Refer to the appropriate engine maintenance manual instructions.

(2) If only metal fuzz, as defined above, is found on the full flow scavenge debris monitor, engines fitted with an RBSH scavenge debris monitor may be returned to service provided all of the following conditions are met:

(i) No other cockpit indication light illuminations have occurred within the previous 50 hours in service due to only fuzz on the full flow scavenge debris monitor.

Note: Cockpit indication light illuminations within the previous 50 hours in service need not be considered for counting purposes of this paragraph if the engine gearbox was disassembled and the Number 4 bearing was inspected subsequent to those cockpit indication light illuminations.

(ii) No metal contamination is evident on the RBSH scavenge debris monitor upon visual inspection.

(iii) The lubrication system contamination troubleshooting procedures identified in the appropriate engine maintenance manual section are accomplished.

(3) If any of the conditions in paragraph (b)(2)(i) through (b)(2)(iii) above are not met,

disassemble the engine or affected module to determine and correct the source of metal.

Note: Refer to the appropriate engine maintenance manual instructions.

(c) Check, each day of operation, the continuity of the RBSH scavenge debris monitor, if so configured, and the full flow scavenge debris monitor cockpit indication light system(s) by removing the monitor(s), shorting the magnetic contacts, and ensuring that the cockpit indication light(s) illuminates. If the light does not illuminate, correct the condition prior to further flight.

Notes: 1. Refer to the appropriate aircraft maintenance manual for corrective action.

2. FAA approved RBSH and full flow scavenge debris monitor indication light systems which permit the continuity to be checked from the aircraft cockpit, coupled with other appropriate checks, may be approved as an equivalent means of compliance to this paragraph by the Manager, Engine Certification Office, New England Region.

(d) Check the engine oil pump output pressure within 50 hours in service after receipt of priority letter AD 87-10-10 or priority letter AD 86-22-08, otherwise within 50 hours in service after the effective date of this AD, and immediately following an oil pump change and whenever oil pressure adjustment is required, as set forth below. If an engine oil pump output pressure check has been accomplished per the requirements of priority letter AD 87-10-10 R1 or priority letter AD 86-22-08 and documentation does not exist verifying that the pump was set at a value within the revised range given in the table herein, accomplish this check, as set forth below, within 50 hours in service of the effective date of this AD.

(1) Install a tee fitting in the line connecting the oil pressure transmitter to the engine oil pump, and install a direct reading wet pressure gauge (any gauge ranging from 0-125 up to 200 psig, calibrated to  $\pm 2.0$  percent at 100 psig) and an orifice of 0.025 inches in the line between the tee fitting and the wet pressure gauge.

CAUTION: Ensure that the orifice is installed in the line between the tee fitting and the wet pressure gauge and not in the oil pressure supply line to the engine.

(2) Start the engine and warm the oil to 150 degrees Fahrenheit minimum. Increase the gas producer speed (Ng) to 95 percent. Stabilize at this Ng for at least one minute.

(3) Adjust the engine oil pressure, in accordance with the table given below, by removing the lockwire from the slotted oil pressure adjustment slug on the right side of the oil pump and filter housing assembly, and turning the slug clockwise to increase pressure or counterclockwise to decrease pressure (one turn equals approximately 15 psig). If, prior to the above adjustment, the engine oil pump pressure indicated 70 psig or less for the LTS101-750 series engines, or 58 psig or less for the LTS101-600 and LTS101-650 series engines, prior to further flight, disassemble the RBSH assembly and inspect the Number 2 and Number 3 bearings and associated components.

Engine model	Specified range
LTS101-600A-2/-650B-1/-650B-1A/-650C-2/-650C-3/-650C-3A/-750B-1/-750C-1	80-100 psig
LTS101-600A-3/-750A-1/-750A-3/-750B-2	90-100 psig

**Note:** Refer to the appropriate engine maintenance manual instructions.

(4) Verify that the aircraft oil pressure indicator indicates in the green arc when the oil pump is properly adjusted. If, upon completion of the check, the aircraft pressure gauge does not indicate in the green arc, the aircraft indicating system must be checked and corrected.

**Note:** Refer to the appropriate aircraft maintenance manual instructions.

(5) Remove the wet gauge, orifice, and tee fitting, and reconnect the oil pressure transmitter.

(6) Ensure that the slotted oil pressure adjustment slug is lockwired after proper adjustment.

**Note:** Accomplishment of the oil pump output pressure check at new production engine acceptance testing or at engine installation by the engine or aircraft manufacturer, respectively, is considered an equivalent means of compliance with the requirement of the above paragraph for the initial check within 50 hours in service for engines with no time in service upon receipt of priority letter AD 87-10-10 or priority letter AD 86-22-08, otherwise upon the effective date of this AD.

(e) Conduct an oil acidity check in accordance with the procedure given in the appropriate engine maintenance manual, Chapter 71-00-00, as follows:

(1) Check the oil acidity within 25 hours in service after receipt of priority letter AD 87-10-10 or priority letter AD 86-22-08, otherwise within 25 hours in service after the effective date of this AD, or within 50 hours in service since the last oil change, whichever occurs later, and repeat at intervals not to exceed 25 hours in service until the oil pump filter and engine oil are changed.

(2) Thereafter, perform an initial oil acidity check within 50 hours in service after the oil pump filter and engine oil are changed, and repeat at intervals not to exceed 25 hours in service until the oil pump filter and engine oil are changed.

(3) If the oil acidity check limit, as specified in the appropriate engine maintenance manual, Chapter 71-00-00, is exceeded, prior to further flight, flush the engine lubrication system (including airframe-supplied oil cooler, tank, lines, etc.) and change the oil pump filter and engine oil.

**Notes:** 1. Refer to the appropriate engine maintenance manual instructions.

2. Information regarding the availability of approved acidity test kits may be obtained by contacting TEXTRON Lycoming, LT101 Product Support.

(f) Visually inspect the Number 4 power pinion gear roller bearing for cage cracks or metal release, within 25 hours in service after receipt of priority letter AD 87-12-11, otherwise within 25 hours in service after the effective date of this AD, by removing the Np indicator cover from the front of the gearbox.

(1) If the cage is cracked or any metal is evident in the bearing area, prior to further flight, disassemble the gearbox to correct the condition.

(2) If no cracking or metal release is noted, reinstall the Np indicator cover.

**Notes:** 1. Removal and installation of the Np indicator cover should be accomplished in accordance with the appropriate engine maintenance manual and Avco Lycoming TEXTRON Maintenance Alert Notice, MA-LTS-101-72-00-0015, Revision 1, dated September 5, 1986.

2. Inspection of the Number 4 bearing at new production engine assembly by the engine manufacturer is considered an equivalent means of compliance with the above requirement for engines with no time in service upon receipt of priority letter AD 87-12-11, otherwise upon the effective date of this AD.

(g) Visually inspect the RBSH scavenge debris monitor, if so configured, otherwise inspect the full flow scavenge debris monitor within 50 hours in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours in service since last inspection, for metal contamination. If metal debris of sufficient quantity to illuminate the debris monitor cockpit indication light is evident on the respective debris monitor, prior to further flight, accomplish paragraphs (a)(1) and (a)(2) of this AD. If metal debris is found, it should be retained as an aid in accomplishing the lubrication system contamination troubleshooting steps as required by paragraph (a)(2).

**Note:** Individual chips, flakes, slivers, nuggets of metal, or fuzz accumulation of sufficient dimension to bridge the magnetic contacts and illuminate the debris monitor cockpit indication light, though it has not done so prior to this repetitive inspection, are also cause for rejection. Metal of insufficient quantity to illuminate the debris monitor cockpit indication light is acceptable and may be cleaned from the debris monitor upon completion of this repetitive inspection.

(h) Following assembly of an engine in which the PT module was built-up with a used RBSH and/or a used oil feed ring, conduct a post-build engine run-up and inspect the RBSH assembly in accordance with step 1.7 of Avco Lycoming TEXTRON CSL 047, dated October 10, 1986, prior to return to service. If a clogging inspection value of 2.5 psig is exceeded, clean and inspect the RBSH and oil feed ring in accordance with steps 1.1 through 1.7 of Avco Lycoming TEXTRON CSL 047, dated October 10, 1986.

**Note:** Accomplishment of a clogging inspection of the Number 2 and Number 3 bearing oil jets prior to RBSH disassembly, may be advantageous under certain conditions. Refer to the appropriate engine maintenance manual instructions.

(i) If the type of oil is changed, conduct a clogging inspection of the Number 2 and 3 bearing oil jets in accordance with the procedure given in the appropriate engine maintenance manual, Chapter 79-30-00 for LTS101-600A-2/-600A-3/-750A-1 engines and Chapter 72-00-00 for the remaining LTS101 engine models, not less than 5 hours and not to exceed 10 hours in service after

the oil change. If the clogging inspection limit of 5.0 psig is exceeded, accomplish paragraph (k) below.

(j) If at any time, excluding initial engine oil pump installation, the pump output pressure is or was adjusted downward, prior to further flight, conduct a clogging inspection of the Number 2 and Number 3 bearing oil jets in accordance with the procedure given in the appropriate engine maintenance manual, Chapter 79-30-00 for LTS101-600A-2/-600A-3/-750A-1 engines and Chapter 72-00-00 for the remaining LTS101 engine models. If the clogging inspection limit of 5.0 psig is exceeded, accomplish paragraph (k) below.

(k) If the limit for the clogging inspection of the Number 2 and Number 3 bearing oil jets of 5.0 psig is exceeded during accomplishment of paragraph (i) or (j) above, or during accomplishment of the applicable TEXTRON Lycoming engine maintenance manual periodic clogging inspection requirement, prior to further flight, accomplish the following:

(1) Disassemble the RBSH assembly to correct the cause of clogging, and inspect the Number 2 and Number 3 bearings and associated components.

**Note:** Refer to the appropriate engine maintenance manual instructions.

(2) Clean and inspect the RBSH and oil feed ring in accordance with Avco Lycoming TEXTRON CSL 047, dated October 10, 1986.

**Note:** Any time the clogging inspection results of the Number 2 and Number 3 bearing oil jets are recorded to document compliance with paragraph (h), (i), (j), or (k) of this AD, it is recommended that the actual gauge Number 2 value be recorded in the engine logbook.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request of an owner or operator, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803.

Upon submission of substantiating data by an owner or operator, through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance schedule specified in this AD.

Certain maintenance procedures shall be done in accordance with Avco Lycoming TEXTRON CSL 047, dated October 10, 1986. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from TEXTRON Lycoming, Williamsport Division, LT101 Product Support, 652 Oliver Street, Williamsport, PA 17701, or may be examined in the Regional Rules Docket at the New England Region, Office of the Regional Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, or at the Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, DC.

This amendment becomes effective December 23, 1987, as to all persons

except those persons to whom the respective provisions were made immediately effective by priority letter AD 86-22-08, issued October 30, 1986; priority letter AD 87-10-10 R1, issued June 16, 1987; and priority letter AD 87-12-11, issued June 16, 1987, which have been combined into this amendment.

Issued in Burlington, Massachusetts, on November 19, 1987.

Monte R. Belger,

*Acting Director, New England Region.*

[FR Doc. 87-29179 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 87-AGL-23]

#### Alteration of the Chicago Meigs Airport, IL, Control Zone

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The nature of this action is to alter the published hours for the Chicago Meigs Airport Control Zone to reflect the current effective hours which are 0600 to 2200 hours, local time, daily.

**EFFECTIVE DATE:** 0901 GMT, March 10, 1988.

**ADDRESS:** The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

**FOR FURTHER INFORMATION CONTACT:** Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, ACL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

**SUPPLEMENTARY INFORMATION:** The current published description of the Chicago Meigs Airport Control Zone lists the effective hours from 0600 to 2400 hours, local time, daily. The airport manager has advised the FAA that the actual effective hours are from 0600 to 2200 hours, local time, daily. This action reflects the change.

Aeronautical maps and charts will continue to reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

#### The Rule

This amendment to Part 71 of the Federal Aviation Regulations Regulations (14 CFR Part 71) is to alter the published effective hours of the Chicago Meigs Airport Control Zone to reflect the current effective hours which are 0600 to 2200 hours, local time, daily.

Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 2, 1987.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to alter the published hours for the Chicago Meigs Airport Control Zone.

Further, this amendment is a minor technical rule in which the public would not be particularly interested. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective coincident with the next charting date.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Control zones, aviation safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the FAR (14 CFR Part 71) as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.69

#### § 71.171 [Amended]

2. Amend § 71.171 as follows:

#### Chicago Meigs Airport, IL [Revised]

Within a 3-mile radius of Meigs Airport (lat. 41°51'30"N., long. 87°36'30"W.) from 0600 to 2200 hours, local time, daily.

Issued in Des Plaines, Illinois, on December 4, 1987.

Teddy W. Burcham,

*Manager, Air Traffic Division.*

[FR Doc. 87-29146 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

#### SECURITIES AND EXCHANGE COMMISSION

#### 17 CFR Part 200

[Release Nos. 33-6744; 34-25197; 35-24525; 39-2138; IC-16173; IA-1099; File No. S7-26-87]

#### The Freedom of Information Reform Act of 1986

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** As mandated by the Freedom of Information Reform Act of 1986 (Pub.L. 99-570), the Securities and Exchange Commission is adopting as final its interim rules to implement the recent amendments to the Freedom of Information Act, including those outlined in the Office of Management and Budget uniform fee schedule guidelines (5 U.S.C. 552(a)(4)(A)(i)). In addition, the Securities and Exchange Commission is revising 17 CFR 200.80, Appendix E, which sets forth the specific schedule of fees for all records services, and making various minor changes throughout § 200.80, and certain appendixes to conform the rules with present practices and conditions.

**EFFECTIVE DATE:** January 20, 1988.

**FOR FURTHER INFORMATION CONTACT:** John D. Heine, Office of Consumer Affairs and Information Services, at the above address or by telephone at (202) 272-7444.

**SUPPLEMENTARY INFORMATION:** The Freedom of Information Reform Act of 1986 [Pub.L. 99-570] ("Reform Act") amended the Freedom of Information Act ("FOIA") by modifying the terms of Exemption 7 and by supplying new provisions relating to the charging of fees for document retrieval and copying. The Reform Act specifically required the Office of Management and Budget ("OMB") to develop and issue, pursuant to notice-and-comment procedures, guidelines governing the uniform treatment of FOIA fees by all Federal agencies. Further, the Reform Act required all Federal agencies to

promulgate regulations, pursuant to notice and comment procedures, implementing fee provisions of the Act to conform to OMB guidelines. The regulations were to be effective 180 days after the effective date of the Reform Act, which was October 27, 1986.

On January 16, 1987, OMB issued for comment its "Proposed Fee Schedule and Administrative Guidelines" and issued a "Final Fee Schedule and Guidelines" on March 27, 1987. Since the Commission's regulations must conform to the OMB guidelines, it was impracticable to issue final regulations by the due date of April 25, 1987, while also providing a prior notice and comment period.

The Commission chose to follow an alternative procedure. The interim rules that the Commission adopted on June 18, 1987 to implement the Reform Act were given retroactive effectiveness as of April 25, 1987, without prior notice and comment. The amendments being made to the Commission's fee schedule were also given retroactive effectiveness as of April 25, 1987, and were subject to a notice and comment period of 30 days following publication. However, fees for services have been assessed under whichever set of rules (the agency's previous rules or the interim rules) has been more favorable to the requester. Thirty days after publication, fees will be assessed only according to the Commission's final rule. Four letters of comment were received during the comment period.

#### Section-by-Section Analysis of Comments

##### *Waiver or reduction of fees* 17 CFR 200.80 (e)(4).

Three commenters took issue with the Commission's proposed standard for granting a waiver of fees. The Department of Justice expressed concern that the standard lacked "substantive specificity" and enclosed a copy of a memorandum of April 2, 1987, from the Department's Office of Information and Privacy. The memorandum suggests that the language of the rules require a consideration of the substance of six factors listed by the Department: The subject matter of the request; the informative value of the records to be disclosed; the likelihood that disclosure will contribute to the general public's understanding; the significance of that understanding; the existence and magnitude of a commercial interest; and the nature of the primary interest to be served by disclosure and included its substance in the proposed language concerning fee waivers.

Another commenter suggested that the Commission augment the present language with a detailed definition of the statutory phrase "contribute significantly to public understanding of the operations or activities of government." The commenter quotes statements by Representatives Glenn English and Tom Kindness as a proper basis for such additional language. Information would constitute a significant contribution if it "is new; supports public oversight of agency operations, including the quality of agency activities and the effect of agency policy or regulations on public health or safety; or otherwise confirms or clarifies data on past or present operations." Cong. Rec. H. 9464 (daily ed. October 8, 1986). The revised rule was drafted to incorporate ideas about fee waiver reflected in sources other than the statute itself. Careful attention was given to the legislative history, and the language of the rule on this point embodies the essence of the remarks cited. In fact, the Commission's rule could arguably include a broader range of information than that covered by the specific language cited by the commenter.

The third commenter admits that the proposed rule conforms with the law but suggests that the Commission's rule also provide for fee waivers when requesters seek information regarding violations of law, wrongdoing by a government agency or administrative error. The rule as drafted would allow a waiver of fees for such requests provided that the other conditions for waiver were met. However, to grant fee waivers solely on the basis of the nature of material requested would clearly not be in keeping with the language of the Reform Act, which also establishes eligibility for waivers on the basis of how the information will be used.

##### *Classification of Freedom of Information Act Requestors for Purposes of Assessing Fees* 17 CFR 200.80(e)(10)(1).

The Commission received letters from three commenters dealing with this section as it defines the phrase "representatives of the news media." One commenter explicitly states that OMB's guidelines unnecessarily qualify the phrase by specifying that representatives of news media deal with "recent events and happenings." Another would have Commission regulations define "representative of the news media" solely by function as anyone publishing or disseminating information, a proposal specifically rejected by OMB in its final guidelines (see 52 FR 10015). The third commenter

on this issue suggests a standard that excludes any consideration of the intended purpose of the request or the information at issue, a suggestion also at odds with OMB guidelines.

Each of these commenters suggests explicitly or implicitly that agencies are not bound by OMB's guidelines in drafting regulations concerning this subject. However, the Reform Act requires that each agency set up a schedule of fees which shall "conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget." The language of the interim rules is consistent with OMB's guidelines.

##### *Aggregation of Requests* 17 CFR 200.80(e)(12).

One commenter suggested that the Commission further qualify this provision of its rules to (1) emphasize a presumption that requests filed at greater than thirty day intervals are not subject to being aggregated and (2) prohibit agencies from aggregating requests for unrelated information made by the same party. While OMB's guidelines mention thirty days as a "reasonable belief" standard for aggregation, this and any other specific time period is rejected because it would unduly limit agencies attempting to prevent this abuse of the fee provisions. Therefore no time limit was included in the Commission's rule regulating this area.

With regard to the second point, the language of the rule is clear that aggregating a series of requests is allowed only when a party divides one request into a series. This language clearly meets the concern raised by the commenter.

##### *Advance Payment* 17 CFR 200.80(e)(13).

The Commission received one comment on this section. The commenter expressed concern that the Commission's formulation in this area failed to emphasize a preference against collecting fees in advance. The rule as proposed is clear that advance payment may be required only in circumstances which are clearly defined in language that closely tracks the OMB guidelines.

#### Final Regulatory Flexibility Analysis

The final regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Please contact John D. Heine at (202) 272-7444 in order to receive a copy of the analysis.

**List of Subjects in 17 CFR Part 200**

Administrative practice and procedure, Freedom of information, Privacy, Securities.

**PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS**

Accordingly, the interim rule amending 17 CFR Part 200 which was published at 52 FR 24145 on June 29, 1987, is adopted as a final rule without change.

By the Commission.  
Dated: December 15, 1987.

Jonathan G. Katz,  
Secretary.

[FR Doc. 87-29201 Filed 12-18-87; 8:45 am]  
BILLING CODE 8010-01-M

**17 CFR Part 211**

[Release No. SAB 71A]

**Staff Accounting Bulletin No. 71A**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Publication of Staff Accounting Bulletin.

**SUMMARY:** Staff Accounting Bulletin No. 71 ("SAB 71"), which was released on August 12, 1987, expressed the staff's views regarding the requirements for financial statements of properties securing mortgage loans. Since the issuance of SAB 71, the staff has received inquiries about its position concerning (1) determining the adequacy of the borrower's equity in the underlying property; (2) the financial statements to be included for loan arrangements reported as investments in real estate ("investment-type arrangements") in filings under the Securities Act of 1933 ("Securities Act"), and the Securities Exchange Act of 1934 ("Exchange Act"); and (3) the application of SAB 71 to loans entered into prior to the date of its issuance. This staff accounting bulletin addresses these issues.

**DATE:** December 15, 1987.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey C. Jones or John M. Riley, Office of the Chief Accountant (202/272-2130); or Howard P. Hodges, Jr., Joseph S. Aleknavage (202/272-2553), or Lester J. Shapiro (202/272-3322), Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as

bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Jonathan G. Katz,  
Secretary.  
December 15, 1987.

**PART 211—[AMENDED]**

Accordingly, Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 71A to the table found in Subpart B.

**STAFF ACCOUNTING BULLETIN NO. 71A**

The staff herein adds questions 3, 4, 5, 6, 7, and 8 to Section I of Topic 1 of the Staff Accounting Bulletin Series. The staff also herein rescinds the last two sentences of the fifth paragraph of the interpretive response in question 1 of Section I of Topic 1. Section I discusses financial statement requirements.

**Topic 1: Financial Statements**

\* \* \* \* \*

**I. Financial Statements of Properties Securing Mortgage Loans**

\*\* \* \* \* \*

**Question 3:** The interpretive response to question 1 indicates that the staff believes that the borrower's equity in an operating property is adequate to support accounting for the transaction as a mortgage loan when the borrower's initial investment meets the criteria in paragraph 11 of Statement of Financial Accounting Standards No. 66 ("SFAS 66") and the borrower's payments of principal and interest on the loan are adequate to maintain a continuing investment in the property which meets the criteria in paragraph 12 of SFAS 66. It is the staff's view that meeting these criteria is the only way the borrower's equity in the property is considered adequate to support accounting for the transaction as a mortgage loan?

**Interpretive Response:** No. It is the staff's position that the determination of whether loan accounting is appropriate for these arrangements should be made by the registrant and its independent accountants based on the facts and circumstances of the individual arrangements, using the guidance provided in the February 10, 1986 Notice to Practitioners ("Notice"). As stated in the Notice, loan accounting may not be appropriate when the lender participates in expected residual profit and has virtually the same risks as those of an owner, or joint venturer. In

assessing the question of whether the lender has virtually the same risk as an owner, or joint venturer, the essential test that needs to be addressed is whether the borrower has and is expected to continue to have a substantial amount at risk in the project.<sup>1</sup> The criteria described in SFAS 66 provide a "safe harbor" for determining whether the borrower has a substantial amount at risk in the form of a substantial equity investment. The borrower may have a substantial amount at risk without meeting the criteria described in SFAS 66.

**Question 4:** What financial statements should be included in filings made under the Securities Act regarding investment-type arrangements that individually amount to 10% or more of total assets?

**Interpretive Response:** In the staff's view, separate audited financial statements should be provided for any investment-type arrangement that constitutes 10% or more of the greater of (i) the amount of minimum proceeds or (ii) the total assets of the registrant, including the amount of proceeds raised, as of the date the filing is required to be made. Of course, the narrative information required by items 14 and 15 of Form S-11 should also be included with respect to these investment-type arrangements.

**Question 5:** What information must be provided under the Securities Act for investment-type arrangements that individually amount to less than 10%?

**Interpretive Response:** No specific financial information need be presented for investment-type arrangements that amount to less than 10%. However, where such arrangements aggregate more than 20%, a narrative description of the general character of the properties and arrangements should be included that gives an investor an understanding of the risks and rewards associated with these arrangements. Such information may, for example, include a description of the terms of the arrangements, participation by the registrant in expected residual profits, and property types and locations.

**Question 6:** What financial statements should be included in annual reports filed under the Exchange Act with respect to investment-type arrangements

<sup>1</sup> Regarding the composition of the borrower's investment, paragraph 9b of the Notice indicates that the borrower's investment may include the value of land or other assets contributed by the borrower, net of encumbrances. The staff emphasizes that such paragraph indicates, " \* \* \* recently acquired property generally should be valued at no higher than cost \* \* \* ". Thus, for such recently acquired property, appraisals will not be sufficient to justify the use of a value in excess of cost.

that constitute 10% or more of the registrant's total assets?

**Interpretive Response:** In annual reports filed with the Commission, the staff has advised registrants that separate audited financial statements should be provided for each non-consolidated investment-type arrangement that is 20% or more of the registrant's total assets. While the distribution is on-going, however, the percentage may be calculated using the greater of (i) the amount of the minimum proceeds or (ii) the total assets of the registrant, including the amount of proceeds raised, as of the date the filing is required to be made. In annual reports to shareholders registrants may either include the separate audited financial statements for 20% or more non-consolidated investment-type arrangements or, if those financial statements are not included, present summarized financial information for those arrangements in the notes to the registrant's financial statements.

The staff has also indicated that separate summarized financial information (as defined in Rule 1-02.(aa) of Regulation S-X) should be provided in the footnotes to the registrant's financial statements for each non-consolidated investment-type arrangement that is 10% or more but less than 20%. Of course, registrants should also make appropriate textual disclosure with respect to material investment-type arrangements in the "business" and "property" sections of their annual reports to the Commission.<sup>2</sup>

**Question 7:** What information should be provided in annual reports filed under the Exchange Act with respect to investment-type arrangements that do not meet the 10% threshold?

**Interpretive Response:** The staff believes it will not be necessary to provide any financial information (full or summarized) for investment-type arrangements that do not meet the 10% threshold. However, in the staff's view, where such arrangements aggregate more than 20%, a narrative description of the general character of the properties and arrangements would be necessary. The staff believes that information should be included that would give an investor an understanding of the risks and rewards associated with these arrangements. Such information may, for example, include a description of the terms of the arrangements, participation

by the registrant in expected residual profits, and property types and locations. Of course, disclosure regarding the operations of such components should be included as part of the Management's Discussion and Analysis where there is a known trend or uncertainty in the operations of such properties, either individually or in the aggregate, which would be reasonably likely to result in a material impact on the registrant's future operations, liquidity or capital resources.

**Question 8:** What consideration will be given by the staff to those registrants that are unable to obtain the requisite information with respect to investment-type arrangements entered into prior to SAB 71?

**Interpretive Response:** For transactions with unaffiliated parties closed before December 15, 1987, the staff has taken the position that the disclosures contemplated by SABs 71 and 71A should be included unless the registrant has no contractual right to such information and cannot practicably obtain such information. In that event, the filing in which the information otherwise would be included should clearly state that the information is not included because the registrant has no contractual right to the information and cannot otherwise practicably obtain the information.

For transactions with unaffiliated parties closed on or after December 15, 1987, the staff believes that the information should be included in all filings. The staff believes information with respect to any transaction with an affiliate is available to the registrant and should therefore be provided regardless of the date of the transaction.

[FR Doc. 87-29198 Filed 12-18-87; 8:45 am]  
BILLING CODE 8010-01-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 4

[T.D. 87-150]

#### Customs Regulations Amendments Concerning Reporting Requirements for Small Vessels

**AGENCY:** Customs Service; Treasury.

**ACTION:** Interim rule; solicitation of comments.

**SUMMARY:** This document sets forth interim amendments to the Customs Regulations to implement recent legislative changes to enhance Customs enforcement of the currency reporting

and controlled substances laws and assist in preventing the importation of merchandise contrary to law. The statutory changes concern reporting requirements for individuals and vessels, penalties, searches and seizures. To clarify vessel reporting requirements and to implement new vessel reporting requirements for small vessels arriving in the Miami, Florida, Customs District, operations of small vessels arriving in that area will be required to stop at one of 14 designated locations and, through a clearly marked Customs telephone, report their arrival to the U.S. to Customs before proceeding to their destination. In addition to the reporting requirements, the amendments also implement legislative provisions which provide for civil and criminal monetary penalties and for the seizure and forfeiture of conveyances used to transport unmanifested merchandise or controlled substances as well as the merchandise thereon.

This action is being taken as part of Customs continuing efforts to interdict the smuggling of controlled substances and other merchandise being introduced contrary to law into the southern Florida area and to enforce the currency reporting laws. These regulations will close a loophole in interdiction efforts concerning the significant number of small vessels arriving in that area carrying controlled substances, unreported monetary instruments, or undeclared merchandise.

**DATES:** Effective: December 21, 1987. Written comments must be received on or before February 19, 1988.

**ADDRESS:** Written comments (preferably in triplicate) may be submitted to and inspected at the Regulations Control Branch, Customs Service Headquarters, Room 2324, 1301 Constitution Avenue NW., Washington, DC 20229.

**FOR FURTHER INFORMATION CONTACT:** (Operational matters) Glenn Ross, Office of Passenger Enforcement and Facilitation (202-566-5607) or (Legal matters) Larry L. Burton, Carriers, Drawback and Bonds Division (202-566-5706).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Anti-Drug Abuse Act of 1986 (Pub. L. 99-570) (the Act), made various changes to the Tariff Act of 1930 relating to the arrival in the U.S. and the reporting to Customs of persons and transportation conveyances; penalties; search and seizure of persons and conveyances; forfeiture and disposition of articles and conveyances; the Customs Forfeiture Fund; aviation

<sup>2</sup> Registrants are reminded that in filings on Form 8-K that are triggered in connection with an acquisition of an investment-type arrangement, separate audited financial statements are required for any such arrangement that individually constitutes 10% or more.

smuggling; preclearance; and investigation matters such as records production; undercover Customs operations; informer compensation; and the exchange of information with domestic and foreign Customs and law enforcement agencies. The reporting requirements are consolidated in section 433, Tariff Act of 1930, as amended (19 U.S.C. 1433), which provides, in pertinent part, that vessels must generally report to Customs immediately upon their arrival in the U.S. and in such manner as the Secretary of the Treasury may prescribe by regulation. The Act further amended section 401(k), Tariff Act of 1930, as amended (19 U.S.C. 1401(k)), to clarify that a vessel arriving in the U.S. after visiting a hovering vessel or a point or place where it has received merchandise is deemed to be arriving from a foreign port or place and that controlled substances are generally to be considered as prohibited merchandise. The Act further amended section 594, Tariff Act of 1930, as amended (19 U.S.C. 1594), relating to the seizure and forfeiture of conveyances used for the importation of prohibited merchandise, by narrowing and clarifying the previously existing exceptions to the seizure and forfeiture provisions of that section. This document implements the arrival, reporting, and conveyance seizure and forfeiture provisions of the Act as to "small vessels", as defined. Initially, special procedures for reporting arrivals of small vessels will be limited to arrivals within the Miami, Florida, Customs District, as defined in § 101.3(b), Customs Regulations (19 CFR 101.3(b)). Operations of small vessels arriving in the U.S. in that area will be required to stop at one of 14 small vessel reporting locations before proceeding to their intended destination and, through a clearly marked Customs telephone, immediately report their arrival to Customs. The Customs officer answering the call will ask for information such as: vessel registration number, name of vessel, owner name, operator/passenger name(s), date(s) of birth, foreign ports or places visited, duration of stay, foreign acquisitions, and user fee decal number, if any. The Customs officer will then instruct the vessel operator that the vessel may proceed or that further action, which may include inspection/examination at another location, is required. The District Director of Customs at Miami will retain the authority to change the nature of reporting locations, their number, or locations. However, initially the following 14 small vessel reporting

stations are being designated within the Miami, Florida, Customs District:

*Vessels Entering The Southern & Western Portions of the Miami District*

1. A & B Marina 700 St., Key West, Florida 33040.
2. Tavernier Creek Marina, P.O. Box 1000, Tavernier, Florida 33070.
3. Faro Blanco Marine Resort, 1996 Overseas Highway, Marathon, Florida 33050.

*Vessels Entering The Northern Portion of the Miami District*

1. Government Cut, Phillips 66 Marine, Watson Island, 1050 MacArthur Causeway, Miami, Florida 33132.
2. Haulover Cut, Bakers Haulover Marina, 10800 Collins Ave., Miami Beach, Florida 33154.
3. Port Everglades Cut, Lauderdale Marina, 1900 S.E. 15th St., Ft. Lauderdale, Florida 33316.
4. Hillsboro Inlet, Sands Harbor Marina/Hotel, 125 North Riverside Dr., Pompano Beach, Florida 33662.
5. The Cove Marina, 1755 S.E. 3rd Court, Deerfield Beach, Florida 33441.
6. Boynton Beach Inlet, Lake Worth Boating Center, 7848 South Federal Highway, Hypoloxo, Florida 33462.
7. Lake Worth Inlet (AKA Palm Beach), Sailfish Marina, 98 Lake Drive, Palm Beach Shores, Florida 33404.
8. Jupiter Inlet, Jupiter Marina, Route 1, Jupiter, Florida 33494.
9. St Lucie Inlet, Sailfish Marina, 3565 Southeast St., Stuart, Florida 33477.
10. Ft. Pierce Inlet, Pelican Yacht Club, 1120 Seaway Dr., Ft. Pierce, Florida 33454.
11. Sebastian Inlet, Sebastian Inlet Marina and Trading, 1580 U.S. 1, P.O. Box 1507, Sebastian, Florida 32958.

In addition to establishing procedures for reporting the arrival of small vessels in the Miami area, new § 4.2a, Customs Regulations (19 CFR 4.2a), also implements the provisions of the Act which provide for civil monetary penalties for the failure to report arrival and additional civil monetary penalties if unmanifested merchandise is found by Customs on board a non-reporting vessel. The vessel manifest penalties of section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), are made applicable if the merchandise found on board a non-reporting vessel consists of controlled substances. Criminal monetary penalties and imprisonment are provided for if the failure to report arrival is intentional and if controlled substances are found on board the non-reporting vessel. The civil penalty includes seizure and forfeiture provisions related to the vessel and the

merchandise in addition to the monetary penalties.

To clarify the vessel reporting requirements applicable to all vessels, § 4.2, Customs Regulations (19 CFR 4.2), is being amended to provide that vessel reporting requirements may be supplemented by local instructions and that a Customs officer may require documents and papers deemed necessary for the inspection/examination of vessels as well as cargo and persons on board. In addition, the new § 4.2a(b), Customs Regulations (19 CFR 4.2a(b)), will provide that small vessels in the Miami District will be considered to have arrived when they come to rest within the waters of that district, whether at anchor or at a dock, in any harbor or other location.

These new regulations are part of Customs continuing efforts to combat the problem of drug smuggling by vessel and to more specifically deal with techniques developed by drug smugglers utilizing small vessels for that purpose. Customs will now have greater control over small vessel movements in the southern Florida area because these vessels will now be required to go to designated reporting locations and immediately report their arrival. Thus, smugglers will not be able to proceed to private docks and unload contraband before continuing to their intended destination and then reporting their arrival to Customs. This was possible under the previously existing law and regulations which permitted the report of arrival to be delayed for as long as 24 hours after arrival in the U.S. The remaining provisions of the Anti-Drug Abuse Act of 1986 will be the subject of other Federal Register documents.

#### Comments

Before adopting these interim regulations as a final rule, consideration will be given to any written comments (preferably in triplicate) timely submitted. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Customs Service Headquarters, Room 2324, 1301 Constitution Avenue, NW., Washington, DC 20229.

#### Inapplicability of Notice and Delayed Effective Date Requirements

Inasmuch as these amendments implement a statutory change which is

already effective and because of critical drug interdiction requirements in southern Florida, it is deemed to be in the public interest to make the regulatory changes as soon as possible. Accordingly, the normal advance notice and public procedure are unnecessary pursuant to 5 U.S.C. 553(b)(B). For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

#### Executive Order 12291

Because this document will not result in a "major rule" as defined in E.O. 12291, a regulatory impact analysis is not required.

#### Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for interim regulations, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

#### Drafting Information

The principal author of this document was Arnold L. Sarasky, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

#### List of Subjects in 19 CFR Part 4

Cargo vessels, Coastal zone, Customs duties and inspection, Fishing vessels, Freight, Harbors, Imports, Maritime carriers, Reporting and recordkeeping requirements, Seamen, Vessels and Yachts.

#### Amendments to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below:

#### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority for Part 4 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote. 11), 1624, and 46 U.S.C. 2, 3.

2. Part 4 is amended by removing footnote 3.

3. Section 4.2(a) is revised to read as follows:

#### § 4.2 Reports of arrival of vessels.

(a) The report of arrival of vessels, required by section 433, Tariff Act of 1930, as amended (19 U.S.C. 1433), except as prescribed in § 4.2a of this chapter, or as supplemented in local instructions issued by the district director and made available to interested parties by posting in Customs offices, publication in a newspaper of general circulation, and other appropriate means, shall be made by any means of communication to the

district director or to a Customs officer assigned to board a vessel. The Customs officer may require the production of any documents or papers deemed necessary for the proper inspection/examination of a vessel, cargo, passengers, or crew.

4. Part 4 is amended by adding a new § 4.2a to read as follows:

#### § 4.2a Small vessel reporting of arrival, Miami District.

(a) *Scope.* This section imposes special requirements for the report of arrival from any foreign port or place by small vessels whose intended destination is at a point within the jurisdiction of the Miami, Florida, Customs District, as defined in § 101.3(b) of this chapter. The operators of small vessels will be required to immediately report their arrival in the U.S., as prescribed by § 4.2(a) of this chapter, or as supplemented in local instructions issued by the district director and made available to interested parties by posting in Customs offices, publication in a newspaper of general circulation within the Miami District, and other appropriate means, by proceeding to locations designated by the District Director of Customs, Miami, Florida, prior to proceeding to their destination. The report will be made through a clearly marked Customs telephone. After securing some information from the person reporting, the Customs officer responding to the report of arrival will instruct the vessel operator that the vessel may proceed or that further action, which may include inspection/examination at another location, is required.

(b) *Definitions.* For the purposes of this section:

(1) "*Foreign port or place*" includes a hovering vessel as defined in section 401(b), Tariff Act of 1930, as amended, 19 U.S.C. 1401(k), and any point in the Customs waters beyond the territorial sea or on the high seas at which a vessel arriving in a port or place in the U.S. has received merchandise.

(2) "*Small vessel*" includes any vessel of less than 5 net tons, and any private pleasure vessel, regardless of displacement.

(3) "*Arrival of a vessel*" occurs when a small vessel comes to rest within the waters of the Miami District, whether at anchor or at a dock, in any harbor or other location.

(c) *Vessels entering the southern and western portions of the Miami District.* The operators of vessels arriving from a foreign port of place with an intended destination at a point south of the entrance to Biscayne Bay known as

Broad Creek, which is north of Key Largo between Swan Key and Board Key, or that portion of the west coast of the State of Florida within the Miami Customs District as described in § 101.3(b), of this chapter, shall immediately report their arrival by the use of special clearly marked Customs telephones provided for that purpose, at the Customs designated location in the Florida Keys nearest to their intended destination point, before proceeding to their destination point.

(d) *Vessels entering the northern portion of the Miami District.* The operators of vessels arriving from a foreign port or place with an intended destination at or north of the entrance to Biscayne Bay known as Broad Creek, which is north of Key Largo and between Swan Key and Board Key, shall immediately report their arrival by the use of special clearly marked Customs telephones provided for that purpose, at the Customs designated location nearest the point at which the Biscayne Bay may be first entered or the intracoastal waterway may be first entered through a "cut", "channel", or "inlet", before proceeding to their destination point. This provision shall apply to vessels whose intended destination is on the Florida mainland or the barrier islands east of the intracoastal waterway.

(e) *Penalties.*—(1) *Civil penalty.* The master or person in charge of any vessel who fails to report arrival as required under this section is liable for a civil penalty of \$5,000 for the first violation, and \$10,000 for each subsequent violation. Any vessel used in connection with any such violation is subject to seizure and forfeiture.

(2) *Criminal penalty.* In addition to the civil penalty prescribed for violation of this section, the master or person in charge of any vessel who intentionally fails to report arrival as required by this section is liable, upon conviction, for a fine of not more than \$2,000 or imprisonment for 1 year, or both. If the vessel is found to have, or to have had, on board any merchandise the importation of which is prohibited, such individual is liable for an additional fine of not more than \$10,000 or imprisonment for not more than 5 years, or both.

(3) *Additional civil penalty.* If any merchandise, other than sea stores, is imported or brought into the U.S. aboard a vessel which has failed to report arrival as prescribed by this section, the master or person in charge of the vessel shall be liable for a civil penalty equal to the value of the merchandise, and the merchandise may be seized and forfeited, unless properly entered by the

importer or consignee. If any of the merchandise consists of a controlled substance listed in section 584, Tariff Act of 1930, as amended 19 U.S.C. 1584, the penalties prescribed in that section shall apply.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: December 14, 1987.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 87-29181 Filed 12-18-87; 8:45 am]

BILLING CODE 4820-02-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 235, 237, and 240

[Docket No. R-87-1357, FR-2382]

### Mortgage Insurance for the Allegany Reservation of the Seneca Nation of Indians

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Interim rule.

**SUMMARY:** A new Section 203(q) of the National Housing Act authorizes the Secretary of HUD to insure mortgages on certain leased property in Salamanca, New York, within the Allegany Reservation of the Seneca Nation of Indians. The leases terminate in February 1991 unless renewed and the terms of renewal are uncertain. This rule explains the conditions under which the Secretary will insure mortgages on the leased property.

**DATES:** *Effective date:* Under section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)), no part of this interim rule can become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the date of the rule's publication. HUD will publish a notice in the Federal Register of the effective date of §§ 200.163, 203.43c, 203.43j, 203.45, 203.50, 204.1, 220.1, 221.1, 222.1, 226.1, 227.501, 235.1, 237.5, and 240.1 of this rule following expiration of the 30-session-day waiting period. No part of this rule will become effective until HUD's separate notice concerning those sections is published announcing a specific effective date. The effective date for all other sections cannot precede the effective date of the rule on

the revised Temporary Mortgage Assistance Payments (TMAP) program (52 FR 6908), published on March 5, 1987, for which an effective date has not been published. An announcement of an effective date for such sections will be published in the Federal Register. HUD's best estimate of the revised TMAP program effective date is early June 1988.

*Comment due date:* February 19, 1988.

**ADDRESS:** All comments concerning this proposed rule should be addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Persons submitting comments should include their names, addresses, and telephone numbers and refer to the docket number and title indicated in the heading of this rule. All comments submitted will be available for public inspection in the Office of the Rules Docket Clerk at the above address during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** John Coonts, Deputy Director, Insured Single Family Housing, Department of Housing and Urban Development, Room 9266, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-3046. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** A new section 203(q) of the National Housing Act (12 U.S.C. 1709(q)) was enacted by Pub. L. 99-601, November 5, 1986. This new provision authorizes the Secretary of HUD to insure mortgages on certain leased property within the Allegany Reservation of the Seneca Nation of Indians in the State of New York, without regard to statutory restrictions which would ordinarily prohibit mortgage insurance. A mortgage would be insured under section 203(b) of the National Housing Act as modified by section 203(q) of the Act and would be an obligation of the Special Risk Insurance Fund (SRIF) created by section 238 of the Act. (Under all SRIF programs, a periodic mortgage insurance premium is required by regulations instead of a one-time premium.)

Section 203(q) was needed before mortgage insurance could be granted because the property in question involves ground leases with terms expiring in February 1991 (with certain rights of extension). Section 201(a) of the National Housing Act requires leased property covered by an insured mortgage to be either "(1) under a lease for not less than ninety-nine years which is renewable or (2) under a lease having a period of not less than ten

years to run beyond the maturity date of the mortgage \* \* \*." The second test clearly cannot be satisfied since the leases will expire in less than ten years. The first test is partially met since the leases involved are 99-year leases. However, their renewability is subject to complicating factors which, in the absence of section 203(q), would preclude mortgage insurance at this time. The Department has interpreted the statute as requiring a lease giving the lessee an absolute right to renew on specific terms. As discussed further in the following section, the leases in question do not provide for specific terms of renewal.

### Background

The property affected by Pub. L. 99-601 and this rule consists of that part of the City of Salamanca, New York which is located on the Allegany Reservation of Seneca Nation of Indians and subject to ground leases expiring in February 1991. These ground leases were given by the Seneca Nation pursuant to the Act of February 19, 1875, 18 Stat. 330, which was enacted to ratify existing leases granted by the Seneca Nation and to clarify the future authority of the Seneca Nation to lease land in the Allegany Reservation. The 1875 law provided for continuation of existing leases for five years (until February 1880) with rights of renewal for periods of up to twelve years. Prior to expiration of the first twelve-year renewal period, Congress enacted the Act of September 30, 1890, 26 Stat. 558 which amended the 1875 law to allow renewals for periods up to 99 years. The subsequent renewals of the leases were for periods of 99 years which will expire in February 1991.

The 1875 law specified the manner of renewal. The "owner or owners of improvements" on leased lands at the time a lease term expires "shall be entitled" to lease renewal on "such conditions as may be agreed upon" with the Seneca Nation, up to the maximum allowed renewal period. If the parties to the lease cannot agree on conditions of renewal, the 1875 law states that they shall each appoint a "referee" (arbitrator) to "fix and determine the terms of said lease and the amount of annual rent to be paid." If agreement is not reached the two referees shall choose a third person to act with them. The decision of a majority of the persons so chosen shall be "final and binding" upon the parties. The lease forms used by the Seneca Nation adopted this renewal provision from the 1875 law.

For approximately 18 years, the Seneca Nation has been engaged in

discussions regarding lease renewal terms with the Salamanca Indian Lease Authority, which was created in 1969 by N.Y. *Public Authorities Law* section 179 *et seq.* (McKinney 1987). There is no clear authority for the Authority to bind individual lessees to any negotiated terms of renewal. In any event, HUD understands that the discussions between the Authority and the Seneca Nation are not likely to be successful in the near future. We are not aware of direct discussions between individual lessees and the Seneca Nation regarding lease renewal. We are not aware of any appointment of arbitrators by any party. The resulting uncertainty regarding the future rent or any other terms of lease renewals, and the possibility that agreement on renewal terms might not be reached before the leases terminate, if ever, means that the property interests which lessees may hold now and in the future are too uncertain to be accepted by prudent lenders as adequate security for long-term mortgage loans.

Currently, no private lending institutions will make uninsured mortgage loans for any property in Salamanca, NY which is subject to a lease expiring in February 1991. FHA-insured or VA-guaranteed mortgages have not been available for many years.

#### Purpose of the Rule

This rule is intended to make mortgage insurance available on terms which will permit prudent lenders to resume lending on the basis of the current leases. The rule should relieve a lender of its concern over the uncertain and possibly short-term property interests offered as security for mortgages.

The legislative history of section 203(q) suggests that Congress did not intend to authorize insurance of mortgages secured by property on short-term ground leases without regard to the prospects for renewal. Instead, it was assumed that the leases would be renewed for a longer term so that the ultimate security would be property which a mortgagor could hold for the life of the mortgage. For example, Congressman Lundine stated during floor debate:

This measure is revenue neutral. Further, it does not represent an unreasonable risk for FHA. The law under which these leases were ratified clearly allows for renewal of the leases; the only unresolved question is the terms of renewal. 132 Cong. Rec. H 8593 (daily ed. September 29, 1986).

HUD recognizes that it cannot obtain absolute assurance of a timely renewal of the lease and that, consequently, there is some risk that any mortgage loan insured under this rule could

ultimately become an unsecured loan—if there is never a renewal or replacement lease—or that the existence of security may be in doubt during any gap between the February 1991 termination date and a later renewal or replacement lease. Several provisions of this rule are designed to increase the chances that the lease will be renewed in a timely manner or, at least, that arbitration on a new lease will be instituted if a negotiated renewal is not possible.

The Department does not believe that Congress intended the Department to disregard the special difficulties presented by long-term mortgages secured by renewable leases with an impending termination date. Instead, we interpret the law as permitting HUD to relax the normal requirements for leasehold mortgages only if HUD reasonably expects appropriate steps to be taken toward renewal of the leases for periods commensurate with the mortgage terms.

#### Summary of Rule Provisions

New 24 CFR 203.43j contains the basic requirements for mortgage insurance for homes on property subject to Allegany Reservation ground leases.

Paragraph (a) (Title) establishes a special title requirement to substitute for § 203.37. Title to the leasehold must be held through a lease meeting two requirements: The lease must have a termination date in February 1991, and it must provide for renewal in accordance with the renewal scheme established by the 1875 and 1890 laws. This requirement represents an interpretation of the provision in section 203(q)(1)(B) that the insured mortgage "be secured by property on land that \* \* \* is subject to a lease entered into for a term of 99 years pursuant to" the 1875 and 1890 laws. In the opinion of HUD, Congress intended to extend the coverage of section 203(q) to all residential leases on the Allegany Reservation with February 1991 termination dates, including a group of leases executed in 1944 for the remainder of the term of 99-year leases which had been cancelled for nonpayment of rent. (For background on the cancellation, see *U.S. v. Forness*, 125 F.2d 928 (2d Cir. 1942)). The reference to "99 years" in the statute should not be read narrowly to exclude leases which, in effect, completed a 99-year term and which present the same problem as the "true" 99-year leases. Paragraph (a) specifically excludes a mortgage secured by a replacement or renewal of a lease scheduled to terminate in February 1991, or by any other right of occupancy. This effectively establishes

February 1991 as the outside date for insurance under this rule.

Paragraph (b) (Provisions of mortgage) provides for additional material to be added as a rider to the approved New York mortgage form to address the special title circumstances, including authorization for the mortgagee to act for the mortgagor with regard to lease renewal, at mortgagor's expense, and special default provisions. HUD expects each mortgagor to pursue the issue of lease renewal with the Seneca Nation in a timely manner. Separate discussions could occur for each individual lease, many mortgagors/lessees could act together, or mortgagors/lessees may be represented by an entity such as the City of Salamanca or the Salamanca Indian Lease Authority. While we do not expect to draft mortgage language authorizing the mortgagee to negotiate on behalf of the mortgagor, mortgagees will be expected to keep track of a mortgagor's progress toward lease renewal. If recourse to arbitration is necessary because the lease has not been renewed by a date to be specified in the mortgage rider, and the mortgagor fails to pursue arbitration, the mortgagor will be in default under the mortgage and the mortgagee will be authorized through a power of attorney to name an arbitrator and take other steps to pursue arbitration, including seeking any needed assistance from a court. The mortgagee will also be able to foreclose based on the default.

Paragraph (c) (Secretary's agreement with mortgagor) requires a HUD-mortgagor agreement on steps to be taken toward lease renewal. At the discretion of the Secretary, other parties such as the Seneca Nation could be added. HUD would prefer to require an agreement which includes the Seneca Nation as a party, whereby the parties to each lease agree to commence arbitration. If the Seneca Nation is not agreeable to this approach, HUD expects each mortgagor to notify the Seneca Nation of the mortgagor's intent to renew the lease and to take appropriate steps to pursue arbitration if the lease has not been renewed by a date to be specified in the agreement. A power of attorney would enable HUD to pursue arbitration if necessary, including seeking any needed assistance from a court. Thus, HUD as well as the mortgagee would be legally entitled to take steps to ensure that the lease renewal rights are exercised through arbitration if negotiations do not succeed by a specified date, although HUD expects to rely on the mortgagee to take necessary action unless the mortgage has been assigned, or the

leasehold conveyed, to HUD. Nothing in any of these documents would require the parties to continue arbitration if agreement on renewal terms is reached.

Paragraph (d) (Certification) requires the mortgagor to certify receipt of certain disclosures about the lease situation. The disclosure must include a discussion of the fact that a mortgagor will remain liable for the balance of the mortgage principal even if the ground lease for the mortgagor's home is not renewed. Other risks expected to be disclosed are: The lack of assurance that the Seneca Nation will be interested in lease renewal on terms agreeable to the mortgagor, the power of arbitrators to issue a binding award requiring the mortgagor to renew the lease on unacceptable terms, the possible need to commence and pay for litigation to enforce the mortgagor's right of renewal, the fact that failure by the mortgagor to pursue arbitration after a specified date will be a mortgage default, the requirement that the mortgagor must give a power of attorney to the mortgagee and HUD, and the possible serious difficulty in selling the home until the ground lease is renewed. This disclosure requirement ensures that mortgagors will not be ignorant of the special risks presented by purchasing and mortgaging a short-term renewable leasehold estate.

Paragraph (e) (Purchase by owner-occupant) excludes from coverage of the rule any mortgages from investors or occupants purchasing a second home, or mortgages for refinancing. The rule is intended only to facilitate mortgage lending to owner-occupants purchasing a principal residence, since the primary purpose of section 203(q) is to make mortgage loans available to persons who could not otherwise obtain financing for purchase of their homes. However, public comment on this question is specifically requested. Paragraph (f) (Relationship of income to housing expense) ensures that under § 203.33(a) the adequacy of the mortgagor's income would be tested against estimated future lease payments after renewal. Current rentals do not represent market value, will definitely increase substantially in any renewal lease, and should not be used in the mortgage credit analysis. Since the purpose of § 203.33(a) is to ensure that a mortgagor will be able to meet expenses, HUD expects initially to use as the estimated future rent level the highest level proposed by the Seneca Nation in negotiations until HUD has reason to conclude that a lesser rent level is a likely outcome of negotiations or arbitration.

Paragraph (g) (Suspension of insurance) provides for possible suspension of further issuance of commitments to insure mortgages under this rule. A suspension could be for the remaining life of the program (through February 1991) or for a lesser period specified by the Secretary. A suspension could be imposed prior to February 19, 1990, if the rate of 90-day delinquencies during a specified period exceeds the general rate of 90-day delinquencies for all one-to-four family properties in the State of New York. A suspension could be imposed after February 18, 1990, based on consideration of the probable costs to the Special Risk Insurance Fund of further commitments, measured by certain factors such as rate and amount of claims payments.

Section 203(q) of the National Housing Act authorizes mortgage insurance only under section 203(b) of the Act (as modified by section 203(q)). Therefore, §§ 203.43c (cooperative units) and 203.50 (rehabilitation loans) and Parts 213 (cooperative units), 220 (urban renewal), 221 (low costs and moderate income), 222 (servicemen, 226 (armed services housing for civilian employees), 227 (armed services housing for impacted areas), 235 (lower income homeownership), 237 (special mortgage insurance for low- and moderate-income families) and 240 (fee title purchase) are each amended to add the new § 203.43j to the list of Part 203 provisions which are inapplicable to such programs.

HUD has also determined that all mortgage insurance applications under this rule should be processed by HUD under the prior approval procedure rather than through the Direct Endorsement procedure. Section 200.163(a)(2) is amended to exclude section 203(q) from the list of Direct Endorsement programs. HUD also does not regard this program as appropriate for coinsurance and § 204.1 is amended to exclude this program from the coinsurance regulations. Section 203.45(g) has been amended to exclude graduated payment mortgages from this rule, since the negative amortization feature of such mortgages would increase the already greater-than-ordinary risk of mortgages insured under this rule.

The regulations which ordinarily govern the maximum amount for section 203(b) mortgages (§§ 203.18–203.18c) are also applicable to mortgages authorized by this rule. Because of the unusual title situation, however, HUD will issue special instructions regarding determination of value.

HUD has also amended Subparts B (Contract Rights and Obligations) and C

(Servicing Responsibilities) of Part 203 to include provisions applicable if a default occurs prior to either negotiated renewal of the lease on a long-term basis (at least five years beyond the mortgage term) or renewal on the basis of an arbitration award (i.e., while the current lease situation persists). After renewal the ordinary provisions would apply. In this context, HUD is permitting renewal lease terms shorter than the normal requirement of ten years beyond the mortgage term to balance the need for adequate mortgage security against the Seneca Nation's preference for shorter lease terms. The changes to Subparts B and C are similar to changes made as part of the recent rules for the Hawaiian home lands mortgage insurance program under Section 247 of the National Housing Act (52 FR 8064 and 28470), published on March 6 and July 30, 1987, and the Indian reservations mortgage insurance program under Section 248 of the Act (52 FR 21866), published on June 9, 1987, which provide for assignment of mortgages in default.

HUD believes that mortgages are unlikely to express sufficient interest in the program if they must make insurance claims on a "business as usual" basis during the uncertain situation concerning the eventual terms and conditions of the leases, with the real possibility of litigation and the possibility the leases will terminate. Section 203.350 is amended by adding a new paragraph (d), which provides that HUD will accept assignment of section 203(q) mortgages in the case of a 90-day default in payment, or in the case of any 30-day default if the leasehold estate has terminated before the mortgage has been assigned or title to the leasehold conveyed to HUD. In the case of any other default, assignment is at HUD's discretion.

A mortgage which is not receiving monthly payments should be able to take action to protect its interests within a definite period of time. It may not be possible for a mortgagee to expeditiously acquire through foreclosure any valuable interest, as long as the lease renewal is uncertain, and HUD considers it reasonable to give mortgages the option of direct assignment of the mortgage. The mortgage may also be in default because of a mortgagor's failure to take actions needed to renew the lease (see § 203.43j(b)). If the mortgagor continues to make monthly payments and the mortgagee takes actions toward renewal on behalf of the mortgagor (as the mortgage will permit), there may be no need for assignment. However, at some

point the lease renewal situation may become so complex, particularly in terms of litigation, that it would not be reasonable to expect an insured lender to voluntarily expend its time and efforts (even on a reimbursable basis) to remain involved in the situation. In such a case, HUD has reserved the option of accepting assignment.

In addition to the usual requirements for mortgages to report on delinquent mortgagors to HUD, HUD will require mortgagees to report on other defaults including mortgagor failure to take actions to renew the lease.

Because of the potential for rapid changes in the situation beyond control of the mortgagor, HUD does not regard the Temporary Mortgage Assistance Payments program (52 FR 6908), published on March 5, 1987, as appropriate for section 203(q) mortgages before the leases have been renewed, and therefore assignment will be permitted but no TMAP will be provided. Nevertheless, the changes to Subparts B and C of Part 203 are interrelated to changes which will be made by the TMAP rule and for this reason the effective date of these changes and changes to certain sections in other Parts will be delayed until the TMAP rule is effective.

A new 24 CFR 203.439a contains the special provisions for filing claims on defaulted section 203(q) mortgages. Paragraph (a) provides that the special provisions of this section are applicable to mortgages on leaseholds *prior* to renewal, and not to mortgages on leaseholds *subsequent* to renewal. If and when the lease is renewed, mortgagees will then treat defaulted mortgages on Allegany Reservation ground leases as any other mortgage in regard to the forbearance assignment process, TMAP and foreclosure. Paragraph (b) provides for payment of claims whenever an assignment is accepted under the new § 203.350(d). Paragraph (c) addresses title questions by providing exceptions to the usual requirements on title quality and title evidence. It also states that the new rule on claims without conveyance of title (§ 203.368) does not apply.

A new 24 CFR 203.666 is added. This section contains the provisions for forbearance assignment relief when a defaulted mortgage on a pre-renewal lease is assigned to the Secretary. Some distinctions are made between assignments for monetary and non-monetary defaults. In both cases the mortgagee must provide information relevant for consideration of forbearance when assignment is requested. HUD retains broad discretion to forbear, which it may exercise with reference to the current lease situation

as well as the individual mortgagor's situation. At a minimum, however, a mortgagor whose payment default was the grounds for assignment will receive the same consideration for forbearance as any other non-section 203(q) assignment case.

Technical amendments for filing claims and assigning defaulted mortgages on pre-renewal leaseholds have been made to §§ 203.355, 203.604(b), 203.640(a), 203.645(a) and 203.654.

#### Procedural Requirements

The Department is publishing this rule for effect as an interim rule that solicits public comment. With the current ground leases expiring in February 1991, we believe that time is of the essence if the special purposes of this rule are to be achieved, *i.e.*, providing for at least a limited home mortgage market in Salamanca, New York prior to renewal of the leases. We believe it to be in the public interest that the benefits provided in this rule be made available with an absolute minimum of procedural delay and that the Congress concurs in this assessment. The provisions authorizing this special mortgage insurance were extracted from omnibus housing legislation which had earlier passed the House of Representatives (when it became apparent that it was unlikely such legislation would be enacted in 1986), and passed as a separate law. In the current Congress, the House of Representatives has passed an amendment to Pub. L. 99-601 which would *require*, rather than simply authorize, the Secretary of HUD to insure these mortgages. We believe that both of these Congressional actions demonstrate a sense of urgency in the Congress that this program be quickly implemented.

This rule does not constitute a "major rule" as that term is defined in section (b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD

regulations in 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10276, 451 Seventh Street, SW. Washington, DC 20410.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule only provides for a limited number of mortgages on homes in Salamanca, N.Y., to be insured during a limited period of time. It should provide new economic opportunities equally to large and small entities by enabling them to obtain mortgage loans on a financially feasible basis for the first time in recent years.

Information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments relating to information collection requirements should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for HUD. After OMB review and approval, the public will be notified of the OMB control number assigned these requirements through a technical amendment to this rule.

This rule was listed as item 983 in the Department's Semiannual Agenda of Regulations (published at 52 FR 40358, 40380) on October 26, 1987, under Executive Order 12291 and the Regulatory Flexibility Act.

The mortgage insurance program listed in the Catalog of Federal Domestic Assistance under the following number would be covered by this rule: 14.117.

**List of Subjects in 24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 235, 237, and 240**

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: Housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum Property Standards, Incorporation by reference, Home improvement, Solar energy, Cooperatives, Urban renewal, Rental housing, Projects, Condominiums, Low and moderate income housing.

Displaced families, Single family housing, Military personnel, Government employees, Federally affected areas: Defense housing, Homeownership, Grant programs: Housing and community development, Fee title purchase.

Accordingly, 24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 235, 237 and 240 are amended as follows:

## **PART 200—INTRODUCTION**

1. The authority citation for Part 200 continues to read as follows:

**Authority:** Titles I and II, National Housing Act (12 U.S.C. 1701–1715z–18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 200.163(a)(2) is revised to read as follows:

### **§ 200.163 Direct endorsement.**

(a) \* \* \*

(2) Single family mortgages insured under any of the programs listed in paragraph (a)(1) of this section pursuant to sections 223, 225, 238(c), 244, 247, or 248 of the National Housing Act, or under section 203(b) of the Act as modified by section 203(g), are not eligible for processing under this section. The provision contained in 24 CFR 221.55 which permits a builder-mortgagor to sell a property to a displaced family on a deferred basis is not available in the Direct Endorsement program.

\* \* \* \* \*

## **PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS**

3. The authority citation for Part 203 continues to read as follows:

**Authority:** Secs. 203, and 211, National Housing Act (12 U.S.C. 1709, 1710, 1715(b)); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). In addition, Subpart C is also issued under sec. 230, National Housing Act (12 U.S.C. 1715u).

4. Section 203.43c(a) is revised to read as follows:

### **§ 203.43c Eligibility of mortgages involving a dwelling unit in a cooperative housing development.**

\* \* \* \* \*

(a) The provisions of §§ 203.16a, 203.17, 203.18, 203.18a, 203.18b 203.23, 203.24, 203.26, 203.37, 203.38, 203.43b, 203.43h, 203.43i, 203.43j, 203.44, 203.49 and 203.50 of this part do not apply to mortgages insured under section 203(n) of the National Housing Act.

\* \* \* \* \*

5. Part 203 is amended by adding a new § 203.43j to read as follows:

### **§ 203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.**

A mortgage on a leasehold estate covering a one- to four-family residence located on the Allegany Reservation of the Seneca Nation of Indians in the State of New York is eligible for insurance if the mortgage meets the requirements of this subpart as modified by this section.

(a) *Title.* This section applies only to a mortgage which:

(1) Does not meet the requirements of § 203.37;

(2) Is on a leasehold under a lease with a termination date in February 1991, which provides for renewal in accordance with the Act of February 19, 1875 (18 Stat. 330) and the Act of September 30, 1890 (26 Stat. 558).

A mortgage may not be on a leasehold created by a lease which is executed after the effective date of this section as a renewal or replacement of a lease described in paragraph (a)(2) of this section. A mortgage may not be secured by any other right of occupancy created in lieu of a leasehold after the effective date of this section by agreement of the Seneca Nation, court order, law or any other means.

(b) *Provisions of mortgage.* The Secretary will prescribe special mortgage provisions in the form of a mortgage rider in order better to secure the mortgagee, including:

(1) Authorization for the mortgagee to exercise the option of lease renewal if the mortgagor fails to do so, and to recover from the mortgagor authorized expenses incurred to obtain lease renewal; and

(2) Making a mortgagor failure to take steps necessary for less renewal an event of default under the mortgage.

(c) *Secretary agreement with mortgagor.* The mortgagor must enter into an agreement with the Secretary and such other parties as the Secretary may require regarding actions to be taken to obtain either a renewal of the lease or a new lease.

(d) *Certification.* The borrower must certify that it has received disclosures, in a form prescribed by the Secretary, explaining the status of the lease and the consequences of nonrenewal. The disclosure shall include a discussion of the fact that a mortgagor who does not obtain a lease renewal and loses the right of occupancy will remain liable for the outstanding balance of the mortgage.

(e) *Purchase by owner-occupant.* The mortgagor must be a purchaser intending to occupy the property as a principal residence. Mortgages may not be used to refinance existing mortgages.

(f) *Relationship of income to housing expense.* For purposes of § 203.33(a), the total prospective housing expense shall include the Secretary's estimate of future lease payments during the term of the mortgage rather than lease payments in effect at the time of application.

(g) *Suspension of commitments.* The Secretary may suspend the issuance of commitments to insure mortgages under this section, for the entire period during which commitments could otherwise be issued for insurance under this section (i.e., through February 18, 1991) or for such lesser period as the Secretary may specify, by providing thirty days notice of suspension in the *Federal Register*. Regardless of its duration, a suspension to be imposed prior to February 19, 1990, will be based on a determination by the Secretary that, for mortgages insured during a specified period, the rate of monetary defaults (as measured by 90 day delinquencies) for mortgages insured under this section exceeds the rate of such monetary defaults for all insured mortgages on one- to four-family properties in the State of New York. A suspension to be imposed after February 18, 1990, will be based on a consideration by the Secretary of the probable costs to the Special Risk Insurance Fund of further commitments to insure under this section, as measured by such factors as the current and projected rate and amount of claims payments, together with other significant current and projected costs as determined by the Secretary, including a review of the actual and projected monetary default rate (as measured by 90 day delinquencies) and the actual and projected rate of lease renewal through negotiation and arbitration.

6. Section 203.45(g) is revised to read as follows:

### **§ 203.45 Eligibility of graduated payment mortgages.**

\* \* \* \* \*

(g) This section shall not apply to a mortgage that meets the requirements of §§ 203.18(c), (d), (e) or (f), 203.43, 203.43a, 203.43b, 203.43j, or 203.49.

\* \* \* \* \*

7. Section 203.50(i) is revised to read as follows:

### **§ 203.50 Eligibility of rehabilitation loans.**

\* \* \* \* \*

(i) Rehabilitation loans which do not involve the insurance of advances, the refinancing of outstanding indebtedness or the purchase of the property need not be a first lien on the property but shall not be junior to any lien other than a first mortgage. The provisions of

§§ 203.15, 203.19, 203.23, 203.24, 203.26, and 203.43j shall not be applicable to such loans.

8. Section 203.350 is amended by redesignating the current paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

**§ 203.350 Assignment of defaulted mortgage.**

(d) *Assignment of mortgages authorized by section 203(q), National Housing Act.* Notwithstanding the provisions of paragraph (a) of this section, the Secretary will, upon application by the mortgagee, agree to accept assignment of any mortgage authorized by section 203(q) of the National Housing Act (§ 203.43j of this part) if

(1) The mortgagor has been in default for more than 90 days for failure to make a monthly payment,

(2) The requirements of § 203.666 are satisfied, and

(3) The date of default occurs before the mortgagor and the lessor execute a lease renewal or a new lease with a term of not less than five years beyond the maturity date of the mortgage, or with a terms established by an arbitration award.

If the default is non-monetary, the date of default occurs prior to an action described in paragraph (d)(3) of this section, the requirements of § 203.666 are satisfied, and the mortgagor has been in default for more than 30 days, the Secretary may in his or her discretion, upon application by the mortgagee, agree to accept an assignment of the mortgage. If the leasehold estate has terminated before the mortgage has been assigned, or title to the property conveyed, to the Secretary, and the mortgage is in default for any reason for more than 30 days, the Secretary will, upon application by the mortgagee, agree to accept an assignment of the mortgage.

9. The introductory text of § 203.355 is revised to read as follows:

**§ 203.355 Acquisition of property.**

With respect to defaulted mortgages on property located on Indian land insured pursuant to section 248 of the National Housing Act (§ 203.43h of this part), the mortgagee shall comply with §§ 203.350(b) and 203.664 of this part. With respect to defaulted mortgages on property located on Hawaiian home lands insured pursuant to section 247 of the National Housing Act (§ 203.43i of this part), the mortgagee shall comply with §§ 203.350(c) and 203.665 of this part. With respect to defaulted mortgages on property located on the

Allegany Reservation of the Seneca Nation of Indians authorized by section 203(q) of the National Housing Act (§ 203.43j of this part) the mortgagee shall comply with §§ 203.350(d) and 203.666 of this part, provided that the mortgagor and the lessor have not executed a lease renewal or a new lease either with a term of not less than five years beyond the maturity date of the mortgage, or with a term established by arbitration award. With respect to all other mortgages, including mortgages authorized by section 203(q) if the preceding sentence is inapplicable, the mortgagee shall take one of the following actions within one year from the date of default, or within any additional time as is approved by the Secretary or is authorized by §§ 203.345, 203.346, or § 203.650 through 203.658.

10. Part 203 is amended by adding a new undesignated center heading and a new § 203.439a, to read as follows:

**Mortgages on Property in Allegany Reservation of Seneca Indians**

**§ 203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.**

(a) *Applicability.* This section shall apply to mortgages authorized by section 203(q) of the National Housing Act (§ 203.43j of this part) only when the date of default occurs before the mortgagor and the lessor execute a lease renewal or a new lease either with a term of not less than five years beyond the maturity date of the mortgage, or with a term established by an arbitration award.

(b) *Claims.* In addition to other actions which the mortgagee may take pursuant to this subpart in order to receive insurance benefits, a mortgagee shall be entitled to receive such benefits when the Secretary has agreed to accept assignment of a mortgage in accordance with § 203.350(d) and the mortgagee has complied with §§ 203.351 and 203.353.

(c) *Exceptions.* Notwithstanding § 203.366, title to a leasehold estate conveyed to the Commissioner is not required to be marketable as to the term of the lease, provided that the mortgagee has taken any actions required by the Secretary to attempt to obtain a long-term renewal of the lease. Title evidence will be required in a form satisfactory to the Commissioner (see § 203.385) unless the Commissioner agrees to accept title to a leasehold estate without title evidence.

11. Paragraph (b) of § 203.604 is revised to read as follows:

**§ 203.604 Contact with the mortgagor.**

(a) \* \* \*

(b) The mortgagee must have a face-to-face interview with the mortgagor, or make a reasonable effort to arrange such a meeting, before three full monthly installments due on the mortgage are unpaid. If default occurs in a repayment plan arranged other than during a personal interview, the mortgagee must have a face-to-face meeting with the mortgagor, or make a reasonable attempt to arrange such a meeting within 30 days after such default and at least 30 days before foreclosure is commenced, or at least 30 days before assignment is requested if the mortgage is insured on Hawaiian home land pursuant to section 247 or Indian land pursuant to section 248 or if assignment is requested under § 203.350(d) for mortgages authorized by section 203(q) of the National Housing Act.

12. Paragraph (a) introductory text, of 203.640 is revised to read as follows:

**§ 203.640 Temporary mortgage assistance payments.**

(a) The Secretary may make temporary mortgage assistance payments (TMAP) to the mortgagee on behalf of a mortgagor who owns the property, except for property subject to a mortgage insured pursuant to section 247 (see § 203.665) or section 248 of the National Housing Act (see § 203.664) or a mortgage authorized by section 203(q) of the National Housing Act (see § 203.666), when the following conditions are met:

13. Paragraph (a) of § 203.645 is revised to read as follows:

**§ 203.645 Assignment of mortgage, with forbearance.**

(a) For a mortgage other than one insured pursuant to section 247 or section 248 of the National Housing Act (§ 203.43i or § 203.43h of this part) or authorized by section 203(q) of the National Housing Act (§ 203.43j of this part), the Secretary will accept an assignment and provide forbearance if the conditions of § 203.640 (a)(1) through (a)(6) except (a)(4)(ii) are met, and the Secretary determines that assignment is necessary to avoid foreclosure and TMAP would be inappropriate in the case of the mortgagor. Among other grounds, TMAP will be determined to be inappropriate if the mortgagee refuses to accept TMAP (in violation of § 203.658(b)), or if extension of the mortgage maturity (by not more than 10 years after the original maturity) would be necessary in order for the mortgagor

to afford repayment, and the mortgagee is unwilling to extend the maturity date. TMAP will also be determined to be inappropriate if a mortgagor is unable to execute the documents required by the Secretary to assure repayment of a TMAP loan (§ 203.640(b)(7)), where the inability to execute the necessary documents is caused by circumstances beyond the mortgagor's control. For mortgages insured pursuant to section 247 of the National Housing Act, see §§ 203.350(c) and 203.665. For mortgages insured pursuant to section 248 of the National Housing Act, see §§ 203.350(b) and 203.664. For mortgages insured pursuant to section 203(q) of the National Housing Act, see §§ 203.350 (d) and 203.666.

14. Part 203 is amended by revising § 203.654 to read as follows:

**§ 203.654 Final decision.**

The Secretary will promptly advise the mortgagor and the mortgagee of the final decision in writing. If the Secretary determines to approve TMAP, or to accept an assignment of the mortgage and provide forbearance in accordance with § 203.645, or to provide forbearance in accordance with § 203.664, § 203.665 or § 203.666, the mortgagor will be asked to meet with the Secretary's representative to discuss the amount and term of the payments that the mortgagor will be required to make under the TMAP or forbearance agreement to be executed. If the Secretary determines not to approve TMAP, and neither to accept an assignment of the mortgage under § 203.645 nor to provide forbearance in accordance with § 203.664, § 203.665 or § 203.666, the Secretary will advise the mortgagor of the findings and the specific criteria not met by the mortgagor.

15. Part 203 is amended by adding a new undesignated center heading and a new § 203.666 to read as follows:

**Assignment and Forbearance—  
Property in Allegany Reservation of  
Seneca Indians**

**§ 203.666 Processing defaulted mortgages on property in Allegany Reservation of Seneca Nation of Indians.**

(a) *Applicability.* This section applies to mortgages authorized by section 203(q) of the National Housing Act (§ 203.43j) only if the default occurred before the mortgagor and the lessee execute a lease renewal or a new lease either with a term of not less than five years beyond the maturity date of the mortgage, or with a term established by an arbitration award.

(b) *Assignment (mandatory acceptance).* Before a mortgagee requests the Secretary to accept an assignment of a mortgage under the first sentence of § 203.350(d) where the mortgagor is in monetary default, the mortgagee must submit documents showing that the requirements of § 203.604 have been met and must provide all information in its possession concerning the mortgagor's eligibility for relief as set forth in § 203.664(b)(1)(i) through (v) and (b)(2) through (b)(4). Temporary mortgage assistance payments (TMAP) shall not be available.

(c) *Assignment (discretionary acceptance).* Before a mortgagee requests the Secretary to exercise his or her discretion to accept an assignment of a mortgage under the second sentence of § 203.350(d) where the mortgagor is in non-monetary default, the mortgagee must provide all information in its possession concerning the mortgagor's eligibility for relief as set forth in § 203.664(b)(1)(iii) through (v) and (b)(2) through (b)(4). TMAP shall not be available.

(d) *Forbearance.* The Secretary may make forbearance relief on any terms and conditions which he or she in his or her discretion deems appropriate, *provided:* that if assignment is requested for a monetary default, the Secretary will, at a minimum, provide forbearance relief in accordance with §§ 203.646 through 203.649.

**PART 204—COINSURANCE**

16. The authority citation for Part 204 continues to read as follows:

Authority: Secs. 244 and 211, National Housing Act (12 U.S.C. 1715z-9 and 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

**§ 204.1 [Amended]**

17. Section 204.1 is amended by adding, to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

**PART 213—COOPERATIVE HOUSING  
MORTGAGE INSURANCE**

18. The authority citation for Part 213 is revised to read as follows:

Authority: Secs. 211, 213, National Housing Act (12 U.S.C. 1715b, 1715e); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

**§ 213.751 [Amended]**

19. Section 213.751(b) is amended by adding, immediately after "203.439 Mortgages insured on Hawaiian home lands pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

20. Section 213.800 is revised to read as follows:

**§ 213.800 Cross reference.**

All of the provisions of Subpart C, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act shall apply to mortgages insured under section 213 of the National Housing Act, except §§ 203.665 and 203.666.

**PART 220—URBAN RENEWAL  
MORTGAGE INSURANCE AND  
INSURED IMPROVEMENT LOANS**

21. The authority citation for Part 220 continues to read as follows:

Authority: Secs. 207, 211, 220, National Housing Act (12 U.S.C. 1713, 1715b, 1715k); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

**§ 220.1 [Amended]**

22. Section 220.1(a) is amended by adding to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

**§ 220.251 [Amended]**

23. Section 220.251(a) is amended by adding at the end of the list of excepted provisions, the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

24. Section 220.900 is revised to read as follows:

**§ 220.900 Cross-reference.**

All of the provisions of Subpart C, Part 203 of the chapter concerning the responsibilities of servicers of mortgages insured under section 203 of the National Housing Act apply to mortgages covering 1- to 11-family dwellings insured under section 220 of the National Housing Act, except §§ 203.664 through 203.666.

## PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

25. The authority citation for Part 221 continues to read as follows:

Authority: Secs. 211, 221, National Housing Act (12 U.S.C. 1715b, 1715l); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

### § 221.1 [Amended]

26. Section 221.1(a) is amended by adding, to the list of excepted provisions, immediately after "§ 203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

\* \* \* \* \*

### § 221.251 [Amended]

27. Section 221.251(a) is amended by adding, to the end of the list of excepted provisions, the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

28. Section 221.800 is revised to read as follows:

### § 221.800 Cross-reference.

All of the provisions of Subpart C, Part 203 of the chapter concerning the responsibilities of servicers of mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to four-family dwellings to be insured under section 221 of the National Housing Act, except §§ 203.664 through 203.666.

## PART 222—SERVICEMEN'S MORTGAGE INSURANCE

29. The authority citation for Part 222 continues to read as follows:

Authority: Secs. 211, 222, National Housing Act (12 U.S.C. 1715b, 1715m); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

### § 222.1 [Amended]

30. Section 222.1(a) is amended by adding to the list of exempted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

\* \* \* \* \*

### § 222.251 [Amended]

31. Section 222.251(a) is amended by adding to the list of excepted provisions, immediately after "203.439 Mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

\* \* \* \* \*

32. Section 222.400 is revised to read as follows:

### § 222.400 Cross-reference.

All of the provisions of Subpart C, Part 203 of this chapter concerning the responsibilities of servicers of mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 222 of the National Housing Act, except §§ 203.664 through 203.666.

## PART 226—ARMED SERVICES HOUSING—CIVILIAN EMPLOYEES [SEC. 809]

33. The authority citation for Part 226 continues to read as follows:

Authority: Secs. 211, 807, and 809, National Housing Act (12 U.S.C. 1715b, 1748f, 1748h-1); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

### § 226.1 [Amended]

34. Section 226.1(a) is amended by adding, to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

\* \* \* \* \*

### § 226.251 [Amended]

35. Section 226.251(a) is amended by adding, immediately after "203.439 Mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

\* \* \* \* \*

36. Section 226.300 is revised to read as follows:

### § 226.300 Cross-reference.

All of the provisions of Subpart C, Part 203 of this chapter concerning the responsibilities of servicers of mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 809 of

the National Housing Act, except §§ 203.664 through 203.666.

## PART 227—ARMED SERVICES HOUSING—IMPACTED AREAS [SEC. 810]

37. The authority citation for Part 227 continues to read as follows:

Authority: Secs. 211, 807, 810, National Housing Act (12 U.S.C. 1715b, 1748f, 1748h-z); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

### § 227.501 [Amended]

38. Section 227.501(b) is amended by adding, in the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

\* \* \* \* \*

### § 227.751 [Amended]

39. Section 227.751(a) amended by adding, immediately after "203.439 Mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

40. Section 227.800 is revised to read as follows:

### § 227.800 Cross-reference.

All of the provisions of Subpart C, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act shall apply to individual mortgages insured under section 810 of the National Housing Act, except §§ 203.664 through 203.666.

## PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

41. The authority citation for Part 235 continues to read as follows:

Authority: Secs. 211, 235, National Housing Act (12 U.S.C. 1715b, 1715z); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

### § 235.1 [Amended]

42. Section 235.1(a) is amended by adding to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

§ 235.201 [Amended]

43. Section 235.201(a) is amended by adding to the list of excepted provisions, immediately after "203.439 Mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.439a Mortgages on property in Allegany Reservation of Seneca Nation of Indians authorized by section 203(q) of the National Housing Act.

**PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES**

44. The authority citation for Part 237 continues to read as follows:

Authority: Secs. 203, 211, 237, National Housing Act (12 U.S.C. 1709, 1715b, 1715z-2); sec. (d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

45. Section 237.5 is revised to read as follows:

§ 237.5 Cross-reference.

To be eligible for insurance under this subpart, a mortgage must meet all of the eligibility requirements for insurance under Part 203, Subpart A of this chapter; or under Part 220, Subpart A of this chapter; or under Part 221, Subpart A of this chapter; or under Part 234, Subpart A of this chapter, except that in addition to meeting such eligibility requirements, the mortgage must comply with the special requirements of this subpart. Mortgages and loans processed under the Direct Endorsement program set forth in § 200.163, mortgages insured on Hawaiian home lands or Indian land pursuant to section 247 or 248 of the National Housing Act or mortgages insured under section 203(b) of the Act as modified by section 203(q), are not eligible under this subpart.

**PART 240—MORTGAGE INSURANCE ON LOANS FOR FEE TITLE PURCHASE**

46. The authority citation for Part 240 continues to read as follows:

Authority: Secs. 211 and 240, National Housing Act (12 U.S.C. 1715b, 1715z-5); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 240.1 [Amended]

47. Section 240.1 is amended by adding to the list of excepted provisions, immediately after "203.43i Eligibility of mortgages on Hawaiian home lands insured pursuant to section 247 of the National Housing Act.", the following:

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

48. Section 240.400 is revised to read as follows:

§ 240.400 Cross-reference.

All of the provisions of Subpart C, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to loans for the purchase of the fee simple title of property which are insured under section 240 of the National Housing Act, except §§ 203.664 through 203.666.

Dated: November 17, 1987.

James E. Schoenberger,  
General Deputy Assistant Secretary for  
Housing—Federal Housing Commissioner.  
[FR Doc. 87-29092, Filed 12-18-87; 8:45 am]  
BILLING CODE 4210-27-M

**24 CFR Part 888**

[Docket No. N-87-1712; FR-2377]

**Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program**

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice of fair market rents.

**SUMMARY:** Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish Fair Market Rents periodically, but not less frequently than annually. The Department published proposed Fair Market Rents for the Section 8 Existing Housing Program on August 28, 1987 (52 FR 32672) and solicited public comment. Today's document is the first of two announcements of effective FY-1988 Fair Market Rent schedules for the Section 8 Existing Housing Certificate Program (Part 882, Subparts A and B) including space rentals by owners of manufactured homes under the Section 8 Existing Housing Certificate Program (Part 882, Subpart F); the Section 8 Moderate Rehabilitation Program (Part 882, Subparts D and E); and Section 8 existing housing assisted under Part 886, Subparts A and C (Section 8 loan management and property disposition programs). In addition, FMRs are used to determine payment standard schedules in the Housing Voucher Program.

**EFFECTIVE DATE:** These Fair Market Rents are effective on December 21, 1987.

**FOR FURTHER INFORMATION CONTACT:** Cecelia D. Livingston, Housing Voucher Division, Office of Elderly and Assisted Housing, telephone (202) 755-6477. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Michael R. Allard, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 755-5577. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes a housing assistance program to aid lower income families in renting decent, safe, and sanitary housing. Assistance payments are limited by Fair Market Rents (FMRs) (or payment standards based on FMRs in the Housing Voucher Program) established by HUD for different areas.

In general, the FMR for an area is the amount that would be needed to rent privately owned, decent, safe, and sanitary rental housing of a modest (nonluxury) nature with suitable amenities.

**Proposed Fair Market Rents**

The Department proposed fiscal year 1988 FMRs for Section 8 existing housing on August 28, 1987 (52 FR 32672). These FMRs reflect estimated rent levels as of April 1, 1988. The criteria and methodology used by HUD in developing the proposed FMRs appear at 24 CFR Part 888, Subpart A and have been in use since 1983.

The elements used by HUD in developing FMRs are: (1) The 45th percentile rent (that is, the rent below which 45 percent of the standard quality rental housing units are distributed); (2) rents based on units occupied by recent movers (households who moved within two years before the date of the survey data used in these calculations); and (3) exclusion from the data base of public housing units and recently competed housing (units built within two years of the survey dates). (See 24 CFR 888.113). The FMRs for manufactured from spaces are based on the 45th percentile rent for manufactured home spaces. (See 24 CFR 888.113(a)).

In establishing the proposed FMRs, HUD used the most accurate data available. Data used to compute the FY-1988 FMRs include the 1980 Census data, post-1980 American Housing Survey (AHS) data and reliable area

specific data submitted by public commenters in the development of the FY-1986 and FY-1987 FMRs.

This year's proposed FMRs were calculated by updating last year's final FMRs one additional year to April 1, 1988, based on the most recent CPI data available on average annual changes for rents and utilities. The FMRs have been calculated for each Primary Metropolitan Statistical Area (PMSA), Metropolitan Statistical Area (MSA), and nonmetropolitan county.

In the August 28, 1987 notice, the Department proposed EMRs with modest increases for most market areas. No increases were proposed for the following areas: Brazoria, TX PMSA; Galveston-Texas City, TX PMSA; Houston, TX PMSA; Owensboro, KY MSA, the State of Alaska, Puerto Rico and the Virgin Islands.

The year's proposed FMRs for manufactured homes spaces were calculated by updating last year's FMRs to April 1, 1988, using the most current average annual change in the CPI residential rent index (with heating costs included in the rent factored out). The FMRs for 15 nonmetropolitan counties were held at last year's levels as a result of previous definitional changes of metropolitan areas.

#### FMR Schedules in this Notice

In accordance with the procedures announced in the proposed notice, today's notice announces effective FMRs for all FMR areas. The proposed notice provided that the FMRs announced in today's notice would be set either at the level proposed in the August 28, 1987 notice, or at the existing fiscal year 1987 level (see 52 FR 15630 published April 29, 1987, or 52 FR 24381 published June 30, 1987). The proposed notice provided that if HUD proposed an increase to the FMR level, the FMRs would be set at the proposed level unless a comment was received that supported a lower FMR and the comment was accompanied by adequate supporting data.<sup>1</sup> In such a case, the existing FMR would be republished.

<sup>1</sup> The August 28, 1987 publication stated that commenters would be required to submit sufficient information (including a full description of the local data and the methodology that was used) to justify any proposed changes. We stated that such information may include local housing market studies, rental market surveys or other comprehensive rental market data showing the 45th percentile rent levels for standard quality rental housing units. This data must reflect the rent levels that exist within the entire market area (Metropolitan Statistical Area, Primary Metropolitan Statistical Area, or nonmetropolitan county); must exclude units built within the last two years of the survey; should not be drawn solely from vacant units; and should approximate the same proportion of units by structure type and date

This procedure differs from the procedure used in fiscal year 1987. Last year, HUD published a notice of proposed FMRs followed by two announcements of final FMRs. Unlike this year's procedure, the first announcement made a proposed FMR final only if no commenter opposed the proposed FMR, or if all comments supported the proposed FMR. If any comment was submitted in opposition to a proposed FMR, HUD held the FMR at the existing level until the comment and supporting data were analyzed and the second notice was published. As discussed in the August 28, 1987 notice, HUD believes that this procedure may have "chilled" the submission of comments from parties supporting increases to FMR levels in excess of the FMRs proposed by HUD. (I.e., Some potential commenters may have believed that their comment would only delay the effectiveness of HUD's proposed increase—without any assurance that a greater increase would be made.) The procedure used in today's notice eliminates this chilling effect.

The Department received 80 comments involving 82 FMR areas. All of these comments supported FMRs equal to or higher than the proposed FMRs published on August 28, 1987. All FMRs published for effect in today's notice, therefore, are at the level proposed in the August 28, 1987 publication. The FMRs are listed in two parts—Schedule B (Fair Market Rents for Existing Housing) and Schedule D (Fair Market Rents for Manufactured Home Spaces in the Section 8 Existing Housing Certificate Program).

The FMRs announced today may be revised for the 82 FMRs covered by public comments. The FMR areas that are subject to change are identified by an asterisk placed before the name of the FMR area in Schedules B and D. Following the publication of this notice, HUD will review all public comments, including those comments that did not include adequate supporting data. Based on the information contained in the comments, as supplemented by information collected from the field offices, HUD will publish a second announcement making any necessary

of construction that exists in the local inventory. For areas where gross rents have increased significantly as a result of taxes or the costs of fuel and utilities applicable to a major portion of the FMR areas, HUD required commenters to submit data relating to these increased costs to justify revision of the FMRs. This data must be adequately described in order to facilitate evaluation and comparison with the tax, fuel and utility costs data used in the Department's FMR calculations, and must be representative of the rental inventory. (For a complete discussion of adequate supporting data, see 52 FR at 32673).

revisions to the FMR schedules and including an analysis and to the comments.

#### Other Matters

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321-4374) is unnecessary, since the Section 8 Existing Housing program is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(d).

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this Notice does not have a significant economic impact on a substantial number of small entities because FMRs reflect the rents for similar quality units in the area. Therefore, FMRs do not change the rent from that which would be charged if the project were not in the Section 8 program.

This document does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the document indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

Accordingly, the Fair Market Rent Schedules are proposed to be amended as follows:

Date: December 12, 1987.

Thomas T. Demery,

Assistant Secretary for Housing-Federal Housing Commissioner.

#### Section 8 Fair Market Rent Schedules for Use in The Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program Schedules B & D—General Explanatory Notes

##### 1. Geographic Coverage

a. FMRs for Existing Housing (Schedule B) are established for all

Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), nonmetropolitan counties, and county equivalents in the United States, District of Columbia, Puerto Rico, the Virgin Islands, and Guam. FMRs also are established for nonmetropolitan parts of counties in the New England States.

b. FMRs for Manufactured Home spaces in the Section 8 Certificate Program (Schedule D) are established for all MSAs, PMSAs, selected nonmetropolitan counties, and the residual nonmetropolitan portion of each State.

c. The current 338 MSAs and PMSAs are those established by the Office of Management and Budget effective October 18, 1986.

*2. Arrangement of FMR Areas and Identification of Constituent Parts*

a. The FMR areas in Schedules B and D are listed alphabetically by MSA-PMSA and nonmetropolitan county within each State.

b. The constituent counties (and New England towns and cities) included in each MSA and PMSA are listed immediately following the MSA-PMSA names in each State listed in Schedule

B. All of the constituent parts of an MSA that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

d. The New England towns and cities included in a nonmetropolitan part of a county are listed immediately following the county name.

e. The FMRs are listed by dollar amount on the first line beginning with the FMR area name.

BILLING CODE 4210-27-M

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S. T. A. T. E.: ALABAMA						
COUNTY(IES)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANNISTON, AL MSA		229	277	325	409	458
BIRMINGHAM, AL MSA		268	325	393	478	535
COLUMBUS, GA-AL MSA		237	285	337	422	474
DOTHAN, AL MSA		267	323	381	475	533
FLORENCE, AL MSA		242	295	348	431	483
GADSDEN, AL MSA		210	256	302	378	423
HUNTSVILLE, AL MSA		269	326	384	480	537
MOBILE, AL MSA		278	337	396	496	557
MONTGOMERY, AL MSA		246	300	352	441	494
TUSCALOOSA, AL MSA		258	314	370	467	518
NONMETROPOLITAN COUNTIES						
0 BEDROOMS		1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	5 BEDROOMS
BARBOUR		194	236	277	346	398
BULLOCK		240	282	323	393	445
CHAMBERS		192	233	274	343	394
CHILTON		188	229	270	337	388
CLARKE		210	256	302	378	423
CLEBURNE		192	233	274	343	394
CONECUH		210	256	302	378	423
CULLMAN		194	236	277	346	398
CULLMAN		194	236	277	346	398
DE KALB		221	268	315	393	445
FAYETTE		188	229	270	337	388
GENEVA		194	236	277	346	398
HALE		188	229	270	337	388
JACKSON		221	268	315	393	445
LAWRENCE		234	282	323	393	445
LIMESTONE		199	241	285	356	408
MACON		210	255	301	376	421
MARION		188	228	268	335	385
MONROE		210	255	302	378	423
PERRY		210	255	301	376	421
PIKE		210	255	301	376	421
SUMTER		210	255	302	378	423
TALLAPOOSA		192	233	274	343	394
WILCOX		210	255	302	378	423
S. T. A. T. E.: ALASKA						
ANCHORAGE, AK MSA		448	545	641	801	897
COUNTY(IES)						
NONMETROPOLITAN COUNTIES						
0 BEDROOMS		1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	5 BEDROOMS
ALEUTIAN I.		532	646	760	950	1064
BRISTOL BAY		532	646	760	950	1064
FAIRBANKS-N. ST.		438	532	626	783	877
JUNEAU		532	646	760	950	1064
KETCHICAN		532	646	760	950	1064
KODIAK ISLAND		532	646	760	950	1064
NOME		532	646	760	950	1064
P. WLS-O. KETCH		532	646	760	950	1064
SKOWHEE-YAT-AN		532	646	760	950	1064
VALDEZ-CORDO		438	532	626	783	877
VRNGLL-PTBR		532	646	760	950	1064

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) (111787)

S T A T E: ARIZONA				
PHOENIX, AZ MSA				
COUNTY(IES): MARICOPA				
TUCSON, AZ MSA				
COUNTY(IES): PIMA				
NONMETROPOLITAN COUNTIES				
0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
APACHE	319	376	470	526
COCHISE	268	326	382	479
COCONINO	263	321	376	479
GILA	270	329	388	484
GRAHAM	328	382	438	537
LAPAZ	338	392	448	547
NAVAJO	263	319	376	479
SANTA CRUZ	326	382	438	537
YUMA	338	392	448	547
S T A T E: ARKANSAS				
FAVETTEVILLE-SPRINGDALE, AR MSA				
COUNTY(IES): WASHINGTON				
FORT SMITH, AR-OK MSA				
COUNTY(IES): SEBASTIAN				
LITTLE ROCK-NORTH LITTLE ROCK, AR MSA				
COUNTY(IES): FAULKNER, LONOKE, PULASKI, SALINE				
MEMPHIS, TN-AR-MS MSA				
COUNTY(IES): CRITTENDEN				
PINE BLUFF, AR MSA				
COUNTY(IES): JEFFERSON				
TEXARKANA, TX-TEXARKANA, AR MSA				
COUNTY(IES): MILLER				
NONMETROPOLITAN COUNTIES				
0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARKANSAS	247	292	364	408
BAKTER	224	277	347	389
BOONE	231	281	351	408
CALHOUN	231	281	351	408
CHICOT	194	240	302	351
CLAY	217	264	328	389
CLEVELAND	201	244	308	351
CONWAY	200	243	307	351
CROSS	205	251	313	364
DESHA	194	235	297	347
FRANKLIN	181	219	277	322
GARLAND	214	260	328	382
GREENE	217	264	332	388
HOTSPRING	227	276	347	408
INDEPENDENCE	227	276	347	408
JACKSON	227	276	347	408
LAFAYETTE	199	240	302	351
LEE	205	251	313	364
LITTLE RIVER	199	240	302	351
MADISON	231	281	351	408
MISSISSIPPI	235	287	357	414
MONTEGOMERY	214	260	328	382
NEWTON	231	281	351	408
PERRY	200	243	307	351
PIKE	214	260	328	382
POLK	216	262	332	388
PRAIRIE	215	261	331	387
ST FRANCIS	205	251	313	364
SEARCY	221	276	347	408
SHARP	227	276	347	408
UNION	195	240	302	351
WHITE	227	276	347	408
WELL	200	243	307	351

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM), 111787

S.T.A.T.E.: CALIFORNIA	BEDROOMS 0	BEDROOMS 1	BEDROOMS 2	BEDROOMS 3	BEDROOMS 4	BEDROOMS 5
ANALHEIM-SANTA ANA, CA PMSA	530	643	757	946	1060	
BAKERSFIELD, CA MSA	367	445	524	655	734	
CHICO, CA MSA	322	391	460	575	644	
FRESNO, CA MSA	334	407	479	598	670	
*LOS ANGELES-LONG BEACH, CA PMSA	471	564	656	840	949	
MERCED, CA MSA	315	383	451	580	657	
MODESTO, CA MSA	352	427	504	630	705	
OAKLAND, CA PMSA	520	631	744	930	1041	
*OXNARD-VENTURA, CA PMSA	453	550	647	809	907	
REDDING, CA MSA	334	407	479	598	670	
*RIVERSIDE-SAN BERNARDINO, CA PMSA	385	454	529	684	771	
SACRAMENTO, CA MSA	354	421	504	632	717	
SALINAS-SEASIDE-MONTEREY, CA MSA	401	487	572	717	803	
*SAN DIEGO, CA MSA	435	534	626	783	875	
SAN FRANCISCO, CA PMSA	569	690	817	1018	1139	
*SAN JOSE, CA PMSA	559	632	738	863	1057	
SANTA BARBARA-SANTA MARIA-LOMPOC, CA MSA	453	550	648	811	908	
SANTA CRUZ, CA PMSA	509	618	729	910	1020	
SANTA ROSA-PETALUMA, CA PMSA	448	544	641	801	897	
STOCKTON, CA MSA	311	375	442	565	659	
VALLEJO-FAIRFIELD-NAPA, CA PMSA	417	475	559	807	870	
VISALIA-TULARE-PORTERVILLE, CA MSA	312	380	447	647	709	
YUBA CITY, CA MSA	276	336	395	520	583	
YUBA COUNTY, CA MSA						
NONMETROPOLITAN COUNTIES						
ALPINE	367	445	524	655	734	
CALAUERAS	367	445	524	655	734	
DEL NORTE	334	407	479	598	670	
HUMBOLDT	345	419	493	616	691	
INYO	367	445	524	655	734	
LAKE	334	407	479	598	670	
MADERA	303	368	432	543	606	
MENDOCINO	334	407	479	598	670	
MONO	367	445	524	655	734	
PLUMAS	307	372	438	547	614	
SAN LUIS OBISPO	415	504	594	742	831	
SISKIYOU	307	372	438	547	614	
TRINITY	334	407	479	598	670	
AMADOR	367	445	524	655	734	
COLUSA	337	407	479	598	670	
GLENN	337	407	479	598	670	
IMPERIAL	348	422	497	621	695	
KINGS	368	442	517	641	715	
LASSSEN	307	372	438	547	614	
MARIPOSA	367	445	524	655	734	
MODOC	307	372	438	547	614	
NEVADA	307	372	438	547	614	
*SAN BENITO	303	368	432	543	606	
SAN BENITO	303	368	432	543	606	
SIERRA	407	481	555	686	760	
TEHAMA	307	372	438	547	614	
TUOLUMNE	367	445	524	655	734	

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING .15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) (11/787)									
S T A T E : COLORADO									
Boulder-Longmont, CO PMSA									
COUNTY(IES): BOULDER									
COLORADO SPRINGS, CO MSA									
COUNTY(IES): EL PASO									
DENVER, CO PMSA									
COUNTY(IES): ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON									
FORT COLLINS-LOVELAND, CO MSA									
COUNTY(IES): LARIMER									
GREELEY, CO MSA									
COUNTY(IES): WELD									
PUEBLO, CO MSA									
COUNTY(IES): PUEBLO									
NONMETROPOLITAN COUNTIES									
0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS									
ALAMOSA	297	359	423	530	594	297	359	423	530
BACA	259	312	362	453	509	259	312	362	453
CHAFFEE	329	398	469	587	657	329	398	469	587
CLARK CREEK	329	398	469	587	657	329	398	469	587
COSTILLA	329	398	469	587	657	329	398	469	587
CUSTER	329	398	469	587	657	329	398	469	587
DELOROS	297	359	423	530	594	297	359	423	530
ELBERT	254	309	362	453	509	254	309	362	453
GARFIELD	373	452	533	667	746	373	452	533	667
GRAND	392	474	558	698	783	392	474	558	698
HINSDALE	392	474	558	698	783	392	474	558	698
JACKSON	392	474	558	698	783	392	474	558	698
KIT CARSON	254	309	362	453	509	254	309	362	453
LA PLATA	330	386	467	583	657	330	386	467	583
LINCOLN	259	312	362	453	509	259	312	362	453
MESA	373	452	533	667	746	373	452	533	667
MOFFAT	392	474	558	698	783	392	474	558	698
MONTEZUMA	392	474	558	698	783	392	474	558	698
OTERO	329	398	469	587	657	329	398	469	587
PARK	329	398	469	587	657	329	398	469	587
PITKIN	392	474	558	698	783	392	474	558	698
RIO BLANCO	392	474	558	698	783	392	474	558	698
ROUTT	392	474	558	698	783	392	474	558	698
SAN JUAN	297	359	423	530	594	297	359	423	530
SEDGWICK	254	309	362	453	509	254	309	362	453
TELLER	329	398	469	587	657	329	398	469	587
YUMA	254	309	362	453	509	254	309	362	453
0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS									
ARCHULETA	297	359	423	530	594	297	359	423	530
BENT	259	312	362	453	509	259	312	362	453
CHEYENNE	254	309	362	453	509	254	309	362	453
CONEJOS	297	359	423	530	594	297	359	423	530
CROWLEY	259	312	362	453	509	259	312	362	453
DELTA	392	474	558	698	783	392	474	558	698
EAGLE	329	398	469	587	657	329	398	469	587
FREMONT	329	398	469	587	657	329	398	469	587
GILPIN	329	398	469	587	657	329	398	469	587
GUNNISON	329	398	469	587	657	329	398	469	587
HUERFANO	259	312	362	453	509	259	312	362	453
KIOWA	259	312	362	453	509	259	312	362	453
LAKE	259	312	362	453	509	259	312	362	453
LAS ANIMAS	254	309	362	453	509	254	309	362	453
LOGAN	297	359	423	530	594	297	359	423	530
MINERAL	254	309	362	453	509	254	309	362	453
MONTEZUMA	297	359	423	530	594	297	359	423	530
MORGAN	254	309	362	453	509	254	309	362	453
OURAY	254	309	362	453	509	254	309	362	453
PHILLIPS	254	309	362	453	509	254	309	362	453
PROWERS	259	312	362	453	509	259	312	362	453
RIO GRANDE	297	359	423	530	594	297	359	423	530
SAGUACHE	297	359	423	530	594	297	359	423	530
SAN MIGUEL	392	474	558	698	783	392	474	558	698
SUMMIT	392	474	558	698	783	392	474	558	698
WASHINGTON	254	309	362	453	509	254	309	362	453

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

## S T A T E : CONNECTICUT

*BRIDGEPORT-MILFORD, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	403 489 577 720 808
COUNTY: FAIRFIELD TOWNS OF BRIDGEPORT, EASTON, FAIRFIELD, MONROE, SHELTON, STRATFORD, TRUMBULL		
COUNTY: NEW HAVEN TOWNS OF ANSONIA, BEACON FALLS, DERBY, MILFORD, OXFORD, SEYMOUR		
BRISTOL, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	337 409 481 602 675
COUNTY: HARTFORD TOWNS OF BRISTOL, BURLINGTON		
COUNTY: LITCHFIELD TOWNS OF PLYMOUTH		
DANBURY, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	436 531 625 781 875
COUNTY: FAIRFIELD TOWNS OF BETHEL, BROOKFIELD, DANBURY, NEW FAIRFIELD, NEWTOWN, REDDING, RIDGEFIELD, SHERMAN		
COUNTY: LITCHFIELD TOWNS OF BRIDGEWATER, NEW MILFORD		
HARTFORD, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	405 494 577 727 810
COUNTY: TOWNS OF AVON, BLOOMFIELD, CANTON, EAST GRANBY, EAST HARTFORD, EAST WINDSOR, ENFIELD, FARMINGTON		
COUNTY: GLASTONBURY, GRANBY, HARTFORD, MANCHESTER, MARLBOROUGH, NEWINGTON, ROCKY HILL, SIMSBURY, SOUTH WINDSOR		
COUNTY: SUFFIELD, WEST HARTFORD, WETHERSFIELD, WINDSOR, WINDSOR LOCK		
COUNTY: LITCHFIELD TOWNS OF BARKHAMSTEAD, NEW HARTFORD		
COUNTY: MIDDLESEX TOWNS OF EAST HADDAM		
COUNTY: NEW LONDON TOWNS OF COLCHESTER		
COUNTY: TOLLAND TOWNS OF ANDOVER, BOLTON, COLUMBIA, COVENTRY, ELLINGTON, HEBRON, SOMERS, STAFFORD, TOLLAND, VERNON		
MIDDLETOWN, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	341 415 489 612 685
COUNTY: MIDDLESEX TOWNS OF CROMWELL, DURHAM, EAST HAMPTON, HADDAM, MIDDLEFIELD, MIDDLETOWN, PORTLAND		
NEW BRITAIN, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	361 438 516 645 723
COUNTY: HARTFORD TOWNS OF BERLIN, NEW BRITAIN, PLAINVILLE, SOUTHWINGTON		
NEW HAVEN-MERIDEN, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	436 531 625 782 875
COUNTY: MIDDLESEX TOWNS OF CLINTON, KILLINGWORTH		
COUNTY: NEW HAVEN TOWNS OF CLINTON, KILLINGWORTH		
COUNTY: NORTH BRANFORD, NORTH HAVEN, ORANGE, WALLINGFORD, WEST HAVEN, WOODBRIDGE		
*NEW LONDON-NORWICH, CT, RI, MSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	388 472 554 693 777
COUNTY: NEW LONDON TOWNS OF BOZRAH, EAST LYME, FRANKLIN, GRISWOLD, GROTON, LEDYARD, LISBON, MONTVILLE, NEW LONDON		
COUNTY: NORTH STONIN, NORWICH, OLD LYME, PRESTON, SALEM, SPRAGUE, STONINGTON, WATERFORD		
COUNTY: WINDHAM TOWNS OF CANTERBURY		
NORWALK, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	464 564 664 829 929
COUNTY: FAIRFIELD TOWNS OF NORWALK, WESTON, WESTPORT, WILTON		
*STAMFORD, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	485 590 695 868 972
COUNTY: FAIRFIELD TOWNS OF DARIEN, GREENWICH, NEW CANAAN, STAMFORD		
WATERBURY, CT, PMSA	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	351 426 501 627 702
COUNTY: LITCHFIELD TOWNS OF BETHLEHEM, THOMASTON, WATERTOWN, WOODBURY		
COUNTY: NEW HAVEN TOWNS OF MIDDLEBURY, NAUGATUCK, PROSPECT, SOUTHBURY, WATERBURY, WOLCOTT		

NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	337 409 481 602 675
HARTFORD COUNTY TOWNS OF HARTLAND		
LITCHFIELD COUNTY TOWNS OF CANAAN, COLEBROOK, CORNWALL, GOSHEN		
HARTINGTON, KENT, LITCHFIELD, MORRIS, NORFOLK, NORTH CANAAN, ROXBURY, SALISBURY, SHARON, TORRINGTON, WARREN		
WASHINGTON, WINCHESTER		
MIDDLESEX COUNTY TOWNS OF CHESTER, DEEP RIVER, ESSEX, OLD SAYBROOK		
WESTBROOK		
NEW LONDON COUNTY TOWNS OF LEBANON, LYME, VOLUNTOWN		
*TOLLAND COUNTY TOWNS OF MANSFIELD, UNION		
WINDHAM COUNTY TOWNS OF ASHFORD, BROOKLYN, CHAPLIN, EASTFORD, HAMPTON		
KILLINGLY, PLAINFIELD, POMFRET, PUTNAM, SCOTLAND, STERLING, THOMPSON, WINDHAM, WOODSTOCK		

## S T A T E : DELAWARE

WILMINGTON, DE-NJ-MD PMSA  
COUNTY(IES): NEW CASTLE

NONMETROPOLITAN COUNTIES	0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS	269 326 384 485 537
KENT		

## S T A T E : DIST. OF COLUMBIA

\*WASHINGTON, DC-MD-VA MSA  
COUNTY(IES): WASHINGTON

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

## STATE: FLORIDA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BRADENTON, FL MSA	336	409	482	602	674
COUNTY(IES): MANATEE					
DAYTONA BEACH, FL MSA	328	394	464	581	691
COUNTY(IES): VOLUSIA					
FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA	369	447	526	658	737
COUNTY(IES): BROWARD					
FORT MYERS-CAPE CORAL, FL MSA	346	420	494	618	693
COUNTY(IES): LEE					
FORT PIERCE, FL MSA	346	420	494	618	693
COUNTY(IES): MARTIN, ST LUCIE					
FORT WALTON BEACH, FL MSA	231	280	330	413	462
COUNTY(IES): OKALOOSA					
GAINESVILLE, FL MSA	293	356	419	524	586
COUNTY(IES): ALACHUA, BRADFORD					
JACKSONVILLE, FL MSA	306	372	439	548	614
COUNTY(IES): CLAY, DUVAL, NASSAU, ST JOHNS					
LAKELAND-WINTER HAVEN, FL MSA	276	336	395	495	555
COUNTY(IES): POLK					
MELBOURNE-TITUSVILLE-PALM BAY, FL MSA	317	380	447	559	627
COUNTY(IES): BREVARD					
MIAMI-HIALEAH, FL PMSA	376	449	525	662	738
COUNTY(IES): DADE					
NAPLES, FL MSA	355	430	507	635	711
COUNTY(IES): COLLIER					
OCALA, FL MSA	256	311	365	456	511
COUNTY(IES): MARION					
ORLANDO, FL MSA	338	412	484	589	658
COUNTY(IES): ORANGE, OSCEOLA, SEMINOLE					
PANAMA CITY, FL MSA	245	299	352	441	492
COUNTY(IES): BAY					
PENSACOLA, FL MSA	274	334	392	491	550
COUNTY(IES): ESCAMBIA, SANTA ROSA					
SARASOTA, FL MSA	364	443	521	650	729
COUNTY(IES): SARASOTA					
TALLAHASSEE, FL MSA	289	350	413	516	577
COUNTY(IES): GADSDEN, LEON					
TAMPA-ST. PETERSBURG-CLEARWATER, FL MSA	303	368	433	542	608
COUNTY(IES): HERNANDO, HILLSBOROUGH, PASCO, PINELLAS					
WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL MSA	353	422	491	600	661
COUNTY(IES): PALM BEACH					

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CALHOUN	189	229	269	337	378
CITRUS	256	309	365	456	511
DE SOTO	240	292	343	439	482
FLAGLER	258	312	368	460	516
GILCHRIST	251	251	295	388	413
GULF	189	229	269	337	378
HARDEE	240	292	343	439	482
HIGHLANDS	240	292	343	439	482
INDIAN RIVER	346	420	494	618	693
JEFFERSON	189	229	269	337	378
LAKE	189	229	269	337	378
LIBERTY	189	229	269	337	378
MONROE	189	229	269	337	378
PUTNAM	189	229	269	337	378
SUWANNEE	189	229	269	337	378
UNION	189	229	269	337	378
WALTON	189	229	269	337	378

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E : GEORGIA				
-----				
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS
ALBANY, GA. MSA	254	307	363	454
COUNTY(IES): DOUGHERTY, LEE				508
ATHENS, GA. MSA	262	320	376	470
COUNTY(IES): CLARKE, JACKSON, MADISON, OCONEE				526
ATLANTA, GA. MSA	355	430	504	631
COUNTY(IES): BARROW, BUTTS, CHEROKEE, CLAYTON, COBB, COWETA, DE KALB, DOUGLAS, FAYETTE, FORSYTH, FULTON, GWINNETT, HENRY				705
NEWTON, PAULDING, ROCKDALE, SPALDING, WALTON	267	322	376	470
AUGUSTA, GA-SC. MSA	285	346	407	509
COUNTY(IES): COLUMBIA, MCDUFFIE, RICHMOND				571
CHATTANOOGA, TN-GA. MSA	237	285	337	422
COUNTY(IES): CATOOSA, DADE, WALKER				474
COLUMBUS, GA-AL. MSA	263	322	380	474
COUNTY(IES): CHATTAHOOCHEE, COLUMBUS				528
*MACON-WARNER ROBINS, GA. MSA	267	325	383	478
COUNTY(IES): BIBB, HOUSTON, JONES, PEACH				536
SAVANNAH, GA. MSA				
COUNTY(IES): CHATHAM, EFFINGHAM				

NONMETROPOLITAN COUNTIES				
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS
APPLING	219	266	314	392
BACON	206	250	294	368
BALDWIN	209	254	299	374
BARTON	222	270	319	398
BERRIEN	217	263	310	388
BRANTLEY	206	250	294	368
BRYAN	253	300	347	433
BURKE	210	255	300	376
CAMDEN	243	294	343	421
CARROLL	253	305	359	449
CHATTOOGA	222	270	319	398
CLINCH	206	250	294	368
COLQUITT	212	257	302	378
CRAWFORD	178	216	254	318
DAWSON	200	247	287	356
DODGE	214	260	302	379
EARLY	202	246	289	362
ELBERT	222	266	314	392
EVANS	219	263	310	388
FLOYD	222	270	319	398
GILMER	238	289	339	425
GLYNN	243	294	347	433
GRADY	214	260	302	378
HABERSHAM	221	268	317	395
HANCOCK	214	260	302	378
HARRIS	216	263	305	380
HEAD	235	286	336	421
JASPER	214	260	302	379
JEFFERSON	210	255	300	376
JOHNSON	214	260	302	379
LANIER	217	263	310	388
LIBERTY	243	294	347	433
LONG	220	267	316	395
LUMPKIN	214	260	302	378
MACON	235	286	336	421
MARIETTA	216	263	305	380
MITCHELL	214	260	302	378
MONTGOMERY	238	289	339	425
MURRAY	196	238	281	351
PICKENS	214	260	302	378
PIKE	212	257	302	379
PULASKI	216	263	310	388
QUITMAN	232	285	332	417
RANDOLPH	237	290	342	427
SCREVEN	210	255	300	376
STEPHENS	214	260	302	378
SUMTER	214	260	302	378
TALIAFERRO	214	260	302	378
TAYLOR	214	260	302	378
TERRELL	214	260	302	378
TIFT	214	260	302	378
TOWNS	200	247	287	356
TROUP	241	290	340	424
TWIGGS	178	216	254	318
UPPER	196	238	281	351
WARREN	210	255	300	376
WASHINGTON	214	260	302	378

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMRS FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMRS FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMRS, AND THE CALCULATION OF THE FMRS FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMRS, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

## STATE: GEORGIA

## NONMETROPOLITAN COUNTIES

0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		
WAYNE	219	266	314	392	439	WEBSTER	216	263	305	380	424
WHEELER	214	260	302	379	419	WHITE	200	247	287	356	395
WHITFIELD	238	289	339	425	476	WILCOX	214	260	302	379	419
WILKES	210	255	300	376	421	WILKINSON	214	260	302	379	419
WORTH	214	260	302	379	424						

## S T A T E: HAWAII

## -----

## HONOLULU, HI MSA

## COUNTY(IES): HONOLULU

NONMETROPOLITAN COUNTIES									
0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HAWAII	45	45	728	815	HAWAII	45	45	728	815
KAUAI	408	495	581	728	KAUAI	408	495	581	728

## S T A T E: IDAHO

## -----

## BOISE CITY, ID MSA

## COUNTY(IES): ADA

NONMETROPOLITAN COUNTIES											
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	270	329	387	483	542	BANNOCK	283	344	401	502	553
BEAR LAKE	281	341	401	502	563	BENEFIT	281	341	401	502	553
BINGHAM	283	344	401	502	563	BLAINE	287	349	411	513	575
BOISE	270	329	387	483	542	BONNER	281	341	401	502	553
BONNEVILLE	303	367	433	541	607	BOUNDARY	281	341	401	502	553
BUTTE	303	367	433	541	607	CAMAS	287	349	411	513	575
CANYON	270	329	387	483	542	CARIBOU	283	344	401	502	553
CASSIA	287	349	411	513	575	CLARK	303	367	433	541	607
CLEARWATER	281	341	401	502	563	CUSTER	281	341	401	502	553
CLEMORE	270	329	387	483	542	FRANKLIN	281	341	401	502	553
ELMORE	303	367	433	541	607	GEW	270	329	387	483	542
FREMONT	287	349	411	513	575	IDAHO	281	341	401	502	553
GODDING	287	349	411	513	575	JEROME	287	349	411	513	575
JEFFERSON	303	367	433	541	607	LATAH	281	341	401	502	553
KOSTENAI	281	341	401	502	563	LEWIS	281	341	401	502	553
LEWIS	303	367	433	541	607	MADISON	303	367	433	541	607
LINCOLN	287	349	411	513	575	NEZ PERCE	281	341	401	502	553
MINIDOKA	287	349	411	513	575	OWHEE	281	341	401	502	553
ONEIDA	281	341	401	502	563	POWER	283	344	401	502	553
PAYETTE	270	329	387	483	542	TETON	303	367	433	541	607
SHOSHONE	281	341	401	502	563	VALLEY	270	329	387	483	542
TWIN FALLS	287	349	411	513	575						
WASHINGTON	270	329	387	483	542						

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) - 111787

STATE: ILLINOIS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA-ELGIN, IL PMSA	398	486	573	715	803
COUNTY(IES): KANE, KENDALL					
BLOOMINGTON-NORMAL, IL MSA	297	362	426	532	596
COUNTY(IES): MCLEAN					
CHAMPAIGN-URBANA-RANTOUL, IL MSA	289	351	414	519	579
COUNTY(IES): CHAMPAIGN					
CHICAGO, IL PMSA	388	477	558	701	783
COUNTY(IES): COOK, DU PAGE, MCHENRY					
DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA	318	386	455	568	636
COUNTY(IES): HENRY, ROCK ISLAND					
*DECATUR, IL MSA	289	351	414	519	579
COUNTY(IES): MACON					
JOLIET, IL PMSA	400	487	575	717	805
COUNTY(IES): GRUNDY, WILL					
KANKAKEE, IL MSA	286	347	409	511	573
COUNTY(IES): KANKAKEE					
LAKE COUNTY, IL PMSA	410	498	585	734	822
COUNTY(IES): LAKE					
PEORIA, IL MSA	335	407	478	599	670
COUNTY(IES): PEORIA, TAZEWELL, WOODFORD					
ROCKFORD, IL MSA	304	370	435	543	608
COUNTY(IES): BOONE, WINNEBAGO					
ST. LOUIS, MO-IL MSA	303	369	435	546	611
COUNTY(IES): CLINTON, JERSEY, MADISON, MONROE, ST. CLAIR					
SPRINGFIELD, IL MSA	305	371	436	545	610
COUNTY(IES): MENARD, SANGAMON					
NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	229	275	324	405	454
BOND	247	304	357	446	500
BUREAU	229	275	324	405	454
CARROLL	256	306	357	446	500
CHRISTIAN	262	311	362	453	507
CLAY	234	284	334	425	479
CRAWFORD	234	284	334	425	479
DE KALB	229	275	324	405	454
DOUGLAS	249	304	357	446	500
EDWARDS	227	275	324	405	454
FAYETTE	234	284	334	425	479
FRANKLIN	265	321	379	471	524
GALLATIN	210	254	301	375	420
HAMILTON	227	275	324	405	454
IRROQUOIS	260	315	371	465	519
JASPER	234	284	334	425	479
JO DAVIES	256	311	362	453	507
KNOX	269	326	383	480	534
LAWRENCE	234	284	334	425	479
LIVINGSTON	260	315	371	465	519
MCDONOUGH	249	303	353	443	497
MARION	234	284	334	425	479
MASON	260	315	371	465	519
MERCER	243	295	347	437	491
MORGAN	260	315	371	465	519
OGLE	256	311	362	453	507
PIATT	249	304	357	446	500
POPE	210	254	301	375	420
PULASKI	276	336	396	495	554
RICHLAND	234	284	334	425	479
SCHUYLER	227	275	324	405	454
SHELBY	262	318	374	468	522
STEPHENSON	256	311	362	453	507
VERMILION	249	303	353	443	497
WARREN	227	275	324	405	454
WAYNE	249	304	357	446	500
WHITESIDE	313	380	447	554	621
ALEXANDER	210	254	301	375	420
BROWN	227	275	324	405	454
CALHOUN	253	308	363	453	507
CASAS	260	312	367	456	510
CLARK	249	304	357	446	500
COLES	249	304	357	446	500
CUMBERLAND	249	304	357	446	500
DE WITT	249	304	357	446	500
EDGAR	249	304	357	446	500
EFFINGHAM	234	284	334	425	479
FORD	260	315	371	465	519
FULTON	276	336	396	495	554
GREENE	253	308	363	453	507
HAMCOCK	243	295	347	437	491
HENDERSON	243	295	347	437	491
JACKSON	265	321	379	471	524
JEFFERSON	255	309	368	459	513
JOHNSON	210	254	301	375	420
LA SALLE	313	380	447	554	621
LEE	313	380	447	554	621
LOGAN	260	315	371	465	519
MACOUPIN	262	318	374	468	522
MARSHALL	276	336	396	495	554
MASSAC	210	254	301	375	420
MONTGOMERY	262	318	374	468	522
MOULTRIE	262	318	374	468	522
PERRY	249	304	357	446	500
PIKE	227	275	324	405	454
PULASKI	210	254	301	375	420
RANDOLPH	249	304	357	446	500
SALINE	210	254	301	375	420
SCOTT	260	312	367	456	510
STARK	276	336	396	495	554
UNION	210	254	301	375	420
WABASH	227	275	324	405	454
WASHINGTON	249	304	357	446	500
WHITE	227	275	324	405	454
WILLIAMSON	265	321	379	471	524

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.



## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

## STATE: IOWA

-----  
 CEDAR RAPIDS, IA MSA  
 COUNTY(IES): LINN  
 DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA  
 COUNTY(IES): SCOTT  
 DES MOINES, IA MSA  
 COUNTY(IES): DALLAS, POLK, WARREN  
 DUBUQUE, IA MSA  
 COUNTY(IES): DUBUQUE  
 IOWA CITY, IA MSA  
 COUNTY(IES): JOHNSON  
 OMAHA, NE-IA MSA  
 COUNTY(IES): POTTAWATTAMI  
 SIOUX CITY, IA-NE MSA  
 COUNTY(IES): WOODBURY  
 WATERLOO-CEDAR FALLS, IA MSA  
 COUNTY(IES): BLACK HAWK, BREMER

## NONMETROPOLITAN COUNTIES

0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAIR	234	285	335	469
ALLAMAKEE	234	285	335	469
AUDUBON	247	300	354	496
BOONE	283	342	394	565
BUENA VISTA	283	342	394	565
CALHOUN	283	342	394	565
CASS	283	342	394	565
CERRO GORDO	283	342	394	565
CHICKASAW	283	342	394	565
CLAYTON	283	342	394	565
CLAYTON	283	342	394	565
DAVIS	283	342	394	565
DELAWARE	283	342	394	565
PICKINSON	283	342	394	565
FAYETTE	283	342	394	565
FRANKLIN	283	342	394	565
GREENE	283	342	394	565
HAMMOND	283	342	394	565
HAMMOND	283	342	394	565
HARRISON	283	342	394	565
HOWARD	283	342	394	565
JEFFERSON	283	342	394	565
JEFFERSON	283	342	394	565
KEOSAUQUO	283	342	394	565
LEE	283	342	394	565
LEWAS	283	342	394	565
LUDLOW	283	342	394	565
MARION	283	342	394	565
MILLER	283	342	394	565
MONROE	283	342	394	565
MONTGOMERY	283	342	394	565
PAGE	283	342	394	565
PLYMOUTH	283	342	394	565
POWESHIEK	283	342	394	565
SAC	283	342	394	565
ST. LOUIS	283	342	394	565
TAMA	283	342	394	565
UNION	283	342	394	565
WAPELLO	283	342	394	565
WAYNE	283	342	394	565
WINNEBAGO	283	342	394	565
WORTH	283	342	394	565

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR; AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: KANSAS		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, MO-KS MSA		292	354	416	520	582
COUNTY(IES): JOHNSON, LEAVENWORTH, MIAMI, WYANDOTTE						
LAWRENCE, KS MSA		311	377	444	555	622
COUNTY(IES): DOUGLAS						
TOPEKA, KS MSA		282	343	402	504	564
COUNTY(IES): SHAWNEE						
WICHITA, KS MSA		300	364	433	538	601
COUNTY(IES): BUTLER, HARVEY, SEDGWICK						
NONMETROPOLITAN COUNTIES		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEN	ANDERSON	197	238	281	351	394
ATCHISON	BARBER	197	238	281	351	394
BARTON	BOURBON	197	238	281	351	394
BROWN	CHASE	228	281	326	407	456
CHAUTAUQUA	CHESTER	227	277	326	407	456
CHEYENNE	CHESTER	227	277	326	407	456
CLAY	CLARK	227	277	326	407	456
COFFEY	CLOUD	227	277	326	407	456
COWLEY	COMANCHE	227	277	326	407	456
DECATUR	CRAWFORD	227	277	326	407	456
DONIPHAN	DICKINSON	227	277	326	407	456
ELK	EDWARDS	227	277	326	407	456
ELLIS	ELLIS	227	277	326	407	456
FORD	FINNEY	227	277	326	407	456
GEARY	FRANKLIN	227	277	326	407	456
GRAHAM	GOVE	227	277	326	407	456
GREENWOOD	GRANT	227	277	326	407	456
HARPER	GREELEY	227	277	326	407	456
HODGEMAN	HAMILTON	227	277	326	407	456
JEFFERSON	HASKELL	227	277	326	407	456
KEARNEY	JACKSON	227	277	326	407	456
KIOWA	JEWELL	227	277	326	407	456
LANE	KINGMAN	227	277	326	407	456
LYNN	LABETTE	227	277	326	407	456
MARION	LINCOLN	227	277	326	407	456
MEADE	LOGAN	227	277	326	407	456
MONTGOMERY	MOPHERSON	227	277	326	407	456
MORTON	MARSHALL	227	277	326	407	456
NEOSHO	MITCHELL	227	277	326	407	456
NORTON	MORRIS	227	277	326	407	456
OSBORNE	NEMAH	227	277	326	407	456
PANHANDLE	NESS	227	277	326	407	456
POTTAWATOMIE	OSAGE	227	277	326	407	456
RAWLINS	OTTAWA	227	277	326	407	456
REPUBLIC	PAITLIPS	227	277	326	407	456
RILEY	PRATT	227	277	326	407	456
RUSH	RENO	227	277	326	407	456
SEWARD	RICE	227	277	326	407	456
SHERMAN	ROCKS	227	277	326	407	456
STAFFORD	RUSSELL	227	277	326	407	456
STEVENS	SCOTT	227	277	326	407	456
THOMAS	SHERIDAN	227	277	326	407	456
WABASH	SMITH	227	277	326	407	456
WASHINGTON	STANTON	227	277	326	407	456
WILSON	SUNNER	227	277	326	407	456
	TREGO	227	277	326	407	456
	WALLACE	227	277	326	407	456
	WICHITA	227	277	326	407	456
	WOODSON	227	277	326	407	456

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 18 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.18 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.



SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787						
STATE: LOUISIANA						
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	
ALEXANDRIA, LA, MSA	248	301	355	444	496	
COUNTY(IES): RAPIDES						
BATON ROUGE, LA, MSA	312	378	445	556	623	
COUNTY(IES): ASCENSION, E BATON ROUGE, LIVINGSTON, W BATON ROUGE						
BOUMA-THIBODAUX, LA, MSA	276	335	394	492	552	
COUNTY(IES): LAFOURCHE, TERREBOUQUE						
LAFAYETTE, LA, MSA	312	378	445	556	623	
COUNTY(IES): LAFAYETTE, ST MARTIN						
LAKE CHARLES, LA, MSA	251	302	353	440	492	
COUNTY(IES): CALCASIEU						
MONROE, LA, MSA	247	300	353	442	494	
COUNTY(IES): OUACHITA						
NEW ORLEANS, LA, MSA	343	417	491	613	687	
COUNTY(IES): JEFFERSON, ORLEANS, ST BERNARD, ST CHARLES, ST JOHN THE, ST TAMMANY						
SHREVEPORT, LA, MSA	281	341	403	503	563	
COUNTY(IES): BOSSIER, CADDQ						
NONMETROPOLITAN COUNTIES						
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	
ADADIA	214	260	306	382	428	
ASSUMPTION	225	263	300	370	416	
BEAUREGARD	208	245	282	343	389	
*CALDWELL	207	243	280	340	386	
CATAHOULA	211	256	302	378	424	
CONCORDIA	211	256	302	378	424	
EAST CARROLL	207	243	280	340	386	
EVANGELINE	208	245	282	343	389	
GRANT	211	256	302	378	424	
IBERVILLE	211	256	302	378	424	
JEFFERSON DA	211	256	302	378	424	
LINCOLN	220	269	316	394	442	
MOREHOUSE	210	255	302	378	424	
PLAQUEMINES	220	269	316	394	442	
RED RIVER	220	269	316	394	442	
SABINE	220	269	316	394	442	
ST JAMES	185	225	263	330	370	
ST MARY	252	308	361	452	506	
TERMSAS	170	207	243	304	341	
VERMILION	214	260	306	382	428	
WASHINGTON	200	243	286	357	401	
WEST CARROLL	170	207	243	304	341	
WINN	211	256	302	378	424	
ALLEN	171	208	245	307	343	
AVOUELLES	211	256	302	378	424	
BIENVILLE	220	269	316	394	442	
CAMERON	171	208	245	307	343	
CLAIBORNE	220	269	316	394	442	
DE SOTO	220	269	316	394	442	
E FELICIANA	177	215	253	317	355	
FRANKLIN	170	207	243	304	340	
IBERIA	252	308	361	452	506	
JACKSON	170	207	243	304	340	
LA SALLE	211	256	302	378	424	
MADISON	170	207	243	304	340	
NATCHITOCHES	220	269	316	394	442	
POINTE COUPE	177	215	253	317	355	
RICHLAND	170	207	243	304	340	
ST HELENA	177	215	253	317	355	
ST LANDRY	205	248	292	369	410	
TANGIPAHOA	200	243	286	357	401	
UNION	170	207	243	304	340	
VERNON	211	256	302	378	424	
WEBSTER	191	233	274	342	383	
W FELICIANA	177	215	253	317	355	

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM), 111787

S. T. A. T. E.: MAINE			
BANGOR, ME MSA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
COUNTY: PENOBSCOT TOWNS OF BANGOR, BREWER, EDDINGTON, GLENBURN, HAMPSHIRE, HAMPDEN, HERMON, HOLDEN, KENDUSKEAG, OLD TOWN, ORONO	300	365	429 537 602
COUNTY: WALDO TOWNS OF WINTERPORT			
LEWISTON-AUBURN, ME MSA	316	376	425 475 540
COUNTY: ANDROSCOGG TOWNS OF AUBURN, GREENE, LEWISTON, LISBON, MECHANIC FAL. POLAND, SABATTUS	368	459	592 664 798
-PORTLAND, ME MSA	368	459	592 664 798
COUNTY: CUMBERLAND TOWNS OF CAPE ELIZABETH, CUMBERLAND, FALMOUTH, FREEPORT, GORHAM, GRAY, NORTH YARMOUTH, PORTLAND, RAYMOND			
COUNTY: SCARBOROUGH, SOUTH PORTLAND, STANISH, WESTBROOK, WINDHAM, YARMOUTH			
COUNTY: YORK TOWNS OF BUXTON, HOLLIS, OLD ORCHARD	395	481	565 706 791
COUNTY: DOVER-ROCHESTER, NH-ME MSA			
COUNTY: YORK TOWNS OF BERWICK, ELIOT, KITTERY, NORTH BERWICK, SOUTH BERWICK, WELLS, YORK			
NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
ANDROSCOGG COUNTY TOWNS OF DURHAM, LEEDS, LIVERMORE, FA	274	324	383 469 518
MINOT, TURNER, WALES			
AROOSTOOK COUNTY	279	339	400 499 559
CUMBERLAND COUNTY	309	375	441 548 610
HARPSWELL, HARRISON, NAPLES, NEW GLOUCESTER, POWNAL, SEBAGO			
FRANKLIN COUNTY	291	329	391 463 525
HANCOCK COUNTY	293	348	408 509 568
KENNEBEC COUNTY	293	355	419 525 587
KNOX COUNTY	283	344	405 507 568
LINCOLN COUNTY	279	338	399 499 558
OXFORD COUNTY	291	329	391 463 525
PENOBSCOT COUNTY TOWNS OF ALTON, ARGYLE, BRADFORD, BRADLEY, BURLINGTON, CARMEL, CARROLL, CHARLESTON, CHESTER, CLIFTON, CORINNA, CORINTH, DEXTER, DIXMONT, DREW, EAST MILLINO, EDINBURG	241	293	345 433 484
ENFIELD, ETNA, EXETER, GARLAND, GRAND FALLS, GREENBUSH, GREENFIELD, HOWLAND, HUDSON, KINGMAN, LAGRANGE, LAKEVILLE	319	430	540 633 699
LEE, LEVANT, LINCOLN, LOWELL, MATTAWANKEAG, MAFIELD, MEDWAY, MILFORD, MILLINOCKET, MOUNT CHASE, NEWBURG, NEWPORT	283	338	399 499 558
NORTH PENOBSCOT, PASSADUMKEAG, PATTEN, PLYMOUTH, PRENTISS, SEBOEIS, SPRINGFIELD, STACYVILLE, STEYSON, SUMMIT, TWOMBLY	283	344	405 507 568
WEBSTER, WHITNEY, WINN, WOODVILLE			
PISCATAQUIS COUNTY	241	293	345 433 484
SAGadahoc COUNTY	319	430	540 633 699
SOMERSET COUNTY	283	338	399 499 558
WALDO COUNTY TOWNS OF BELFAST, BELMONT, BROOKS, BURNHAM, FRANKFORT	283	344	405 507 568
FREEPORT, ISLESBORO, JACKSON, KNOX, LIBERTY, LINCOLNVILLE, MONROE, MONTVILLE, MORRILL, NORTHPORT, PALERMO, PROSPECT			
SEARSMONT, SEARSPORT, STOCKTON SPR, SWANVILLE, THORNDIKE, TROY, UNITY, WALDO	283	344	405 507 568
WASHINGTON COUNTY	353	416	525 650 776
YORK COUNTY TOWNS OF ACTON, ALFRED, ARUNDEL, BIDDEFORD, CORNISH, DAYTON	353	416	525 650 776
KENNEBUNK, KENNEBUNKPOR, LEBANON, LIMERICK, LIMINGTON, LYMAN, NEWFIELD, PARSONSFIELD, SAGO, SANFORD, SHAPLEIGH			
WATERBORO			
S. T. A. T. E.: MARYLAND			
BALTIMORE, MD MSA	349	424	499 624 699
COUNTY(IES): ANNE ARUNDEL, BALTIMORE, CARROLL, HARFORD, HOWARD, QUEEN ANNES, BALTIMORE	444	539	635 792 888
COLUMBIA, MD MSA			
COUNTY(IES): COLUMBIA	258	307	399 444 496
CUMBERLAND, MD-WV MSA	289	351	413 517 578
COUNTY(IES): ALLEGANY			
HAGERSTOWN, MD MSA	412	501	590 741 830
COUNTY(IES): WASHINGTON			
-WASHINGTON, DC-MD-VA MSA	367	439	522 652 776
COUNTY(IES): CALVERT, CHARLES, FREDERICK, MONTGOMERY, PRINCE GEORG			
WILMINGTON, DE-NJ-MD PMSA			
COUNTY(IES): CECIL			
NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS 3 BEDROOMS 4 BEDROOMS
CAROLINE	273	327	385 482 540
GARRETT	259	315	371 463 519
ST MARVS	359	434	507 635 703
TALBOT	312	379	446 558 624
WORCESTER	282	344	401 501 561

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

STATE OF MASSACHUSETTS

COUNTY: ESSEX						0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COUNTY: MIDDLESEX						530	644	759	948	1062
COUNTY: NORFOLK										
COUNTY: SUFFOLK										
COUNTY: WORCESTER										
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COUNTY: WORCESTER						</				

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.





## SCHEDULE B. - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: MISSISSIPPI					
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BILLOXI-GULFPORT, MS MSA	246	300	353	442	494
COUNTY(IES): HANCOCK, HARRISON					
JACKSON, MS MSA	313	380	448	560	628
COUNTY(IES): HINDS, MADISON, RANKIN					
MEMPHIS, TN-AR-MS MSA	258	317	374	464	522
COUNTY(IES): DE SOTO					
PASCAGOULA, MS MSA	289	326	383	481	539
COUNTY(IES): JACKSON					

NONMETROPOLITAN COUNTIES					
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	216	251	295	391	433
AMITE	180	218	257	321	360
BENTON	201	240	289	362	405
CALHOUN	236	285	338	426	477
CHICKASAW	243	287	338	426	477
CLAIBORNE	180	218	257	321	360
CLAY	233	271	318	399	447
COPIAH	190	231	272	340	381
FORREST	234	285	335	418	469
GEORGE	183	222	262	327	366
GRENADE	181	220	258	323	362
HUMPHREYS	208	253	298	372	416
ITAWAMBA	222	269	317	397	444
JEFFERSON	180	218	257	321	360
JONES	236	287	338	426	477
LAFAYETTE	232	281	332	415	465
LAUDERDALE	199	242	286	358	401
LEAKE	236	287	338	426	477
LEFLORE	257	308	358	438	489
LOWNDES	201	240	289	362	405
MARSHALL	181	218	257	321	360
MONTGOMERY	201	240	289	362	405
NEWTON	199	242	286	358	401
OKTIBBEHA	223	271	318	399	447
PEARL RIVER	234	285	335	418	469
PRENTISS	201	240	289	362	405
SCHREVER	199	242	286	358	401
SIMPSON	234	285	335	418	469
STONEHATCHIE	218	269	319	397	447
TALLAHAM	201	240	289	362	405
TUNICA	218	269	319	397	447
WALTON	201	240	289	362	405
WASHINGTON	208	253	298	372	416
WEBSTER	233	271	318	399	447
WILKINSON	180	218	257	321	360
VALOBUSSA	181	218	257	321	360

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.



## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: MONTANA		0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS				
BILLINGS, MT MSA		334	407	479	598	670
GREAT FALLS, MT MSA		288	350	413	516	577
COUNTY(IES): YELLOWSTONE						
COUNTY(IES): CASCADE						
NONMETROPOLITAN COUNTIES		0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS				
BEAVERHEAD	287	270	328	387	484	542
BLAINE	287	287	349	411	513	575
CARBON	268	270	328	387	484	542
CHOUTEAU	270	270	328	387	484	542
DANIELS	268	270	328	387	484	542
DEER LODGE	287	270	328	387	484	542
FERGUS	270	270	328	387	484	542
GALLATIN	317	293	357	454	513	575
GLACIER	268	270	328	387	484	542
GRANITE	287	270	328	387	484	542
JEFFERSON	287	270	328	387	484	542
LAKE	287	270	328	387	484	542
LIBERTY	287	270	328	387	484	542
MCCONE	270	270	328	387	484	542
MEAGHER	287	270	328	387	484	542
MISSOULA	287	270	328	387	484	542
PARK	287	270	328	387	484	542
PHILLIPS	288	270	328	387	484	542
POWDER RIVER	270	270	328	387	484	542
PRATINE	270	270	328	387	484	542
RICHLAND	270	270	328	387	484	542
ROSEBAUD	270	270	328	387	484	542
SHERIDAN	268	270	328	387	484	542
STILLWATER	268	270	328	387	484	542
TETON	268	270	328	387	484	542
TREASURE	270	270	328	387	484	542
WHEATLAND	270	270	328	387	484	542
VL-ST-NT-PK	287	270	328	387	484	542
BIG HORN		270	328	387	484	542
BROADWATER		287	349	411	513	575
CARTER		270	328	387	484	542
CUSTER		270	328	387	484	542
DAWSON		270	328	387	484	542
FALLON		270	328	387	484	542
FLATHEAD		293	357	454	513	575
GARFIELD		270	328	387	484	542
GOLDEN VALLE		270	328	387	484	542
HILL		270	328	387	484	542
JUDITH BASIN		270	328	387	484	542
LEWIS & CLARK		270	328	387	484	542
LINCOLN		270	328	387	484	542
MADISON		270	328	387	484	542
MINERAL		270	328	387	484	542
MUSSELHELL		270	328	387	484	542
PERDUE		270	328	387	484	542
POWELL		270	328	387	484	542
RAVENSLEIGH		270	328	387	484	542
ROOSEVELT		270	328	387	484	542
SANDERS		270	328	387	484	542
SANDWICH		270	328	387	484	542
SWEET GRASS		270	328	387	484	542
TOOLEY		270	328	387	484	542
WILBAUX		270	328	387	484	542

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM TO ILLUSTRATE. THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.



## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E : NEW HAMPSHIRE				
COUNTY: MA-NH PMSA				
LAWRENCE-HAVERHILL	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS 4 BEDROOMS
COUNTY: ROCKINGHAM TOWNS OF ATKINSON, BRENTWOOD, DANVILLE, DERRY, EAST KINGSTON, HAMPSHIRE, NEWTON, PLAISTOW	423	515	617	705 784
SALEM, SANDOWN, SEABROOK, WINDHAM				
LOWELL, MA-NH PMSA	407	495	572	699 797
COUNTY: HILLSBOROUGH TOWNS OF PELHAM				
COUNTY: NH MSA	381	463	544	680 763
COUNTY: HILLSBOROUGH TOWNS OF BEDFORD, GOFFSTOWN, MANCHESTER				
COUNTY: MERRIMACK TOWNS OF ALLENSTOWN, HOOKSETT				
COUNTY: ROCKINGHAM TOWNS OF AUBURN, CANDIA				
NASHUA, NH PMSA	425	516	607	760 851
COUNTY: HILLSBOROUGH TOWNS OF AMHERST, BROOKLINE, HOLLIS, HUDSON, LITCHFIELD, MERRIMACK, MILFORD, MONT VERNON, NASHUA				
WILTON				
COUNTY: ROCKINGHAM TOWNS OF LONDONDERRY				
COUNTY: ROCKINGHAM TOWNS OF EXETER, GREENLAND, HAMPTON, NEW CASTLE, NEWFIELDS, NEWINGTON, NEWMARKET, NORTH HAMPTON	395	481	565	706 791
COUNTY: ROCKINGHAM TOWNS OF RYE, STRATHAM				
COUNTY: STRAFFORD TOWNS OF BARRINGTON, DOVER, DURHAM, FARMINGTON, LEE, MADBURY, MILTON, ROCHESTER, ROLLINSFORD				
SOMERSWORTH				
NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES				
BELKNAP COUNTY	331	399	465	576 645
CARROLL COUNTY	327	397	467	584 654
CHESHIRE COUNTY	371	449	530	662 732
COOS COUNTY	305	370	436	544 610
GRAFTON COUNTY	340	414	487	609 681
HILLSBOROUGH COUNTY	418	508	597	746 826
COUNTY TOWNS OF ANTRIM, BENNINGTON, DEERING, FRANCESSTOWN				
GREENFIELD, GREENVILLE, HAMCOCK, HILLSBOROUGH, LYNDENBOROUGH, MASON, NEW BOSTON, NEW IPSWICH, PETERBOROUGH, SHARON				
TEMPLE, WEAVER, WINDSOR				
MERRIMACK COUNTY TOWNS OF ANDOVER, BOSCAWEN, BOW, BRADFORD, CANTERBURY	403	495	583	730 816
CHICHESTER, CONCORD, DANBURY, DUNBARTON, EPSOM, FRANKLIN, HENNIKER, HILL, HOPKINTON, LOUDON, NEWBURY, NEW LONDON				
NORTHFIELD, PEMBROKE, PITTSFIELD, SALISBURY, SUTTON, WARNER, WEBSTER, WILMOT	418	508	597	746 826
ROCKINGHAM COUNTY TOWNS OF CHESTER, DEERFIELD, EPPING, FREMONT				
HAMPTON FALL, KENSINGTON, NORTHWOOD, NOTTINGHAM, RAYMOND, SOUTH HAMPTON	452	532	666	735 826
STRAFFORD COUNTY TOWNS OF MIDDLETON, NEW DURHAM, STRAFFORD	331	399	466	581 652
SULLIVAN COUNTY				
S T A T E : NEW JERSEY				
ALLENTOWN-BETHLEHEM, PA-NJ MSA	303	368	430	542 604
COUNTY TOWNS OF WARREN				
ATLANTIC CITY, NJ MSA	363	442	518	648 727
BERGEN-PASSAIC, NJ PMSA	506	614	728	910 1019
COUNTY TOWNS OF BERGEN, PASSAIC				
JERSEY CITY, NJ PMSA	350	425	500	625 700
COUNTY TOWNS OF HUDSON				
MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA	469	570	670	839 939
COUNTY TOWNS OF HUNTERDON, MIDDLESEX, SOMERSET				
MONMOUTH-OCEAN, NJ PMSA	422	511	602	753 844
COUNTY TOWNS OF MONMOUTH, OCEAN				
NEWARK, NJ PMSA	394	478	563	703 788
COUNTY TOWNS OF ESSEX, MORRIS, SUSSEX, UNION				
PHILADELPHIA, PA-NJ PMSA	347	419	492	619 687
COUNTY TOWNS OF BURLINGTON, CAMDEN, GLOUCESTER				
TRENTON, NJ PMSA	436	529	623	779 872
COUNTY TOWNS OF MERCER				
VINELAND-MILLVILLE-BRIDGETON, NJ PMSA	350	425	500	625 700
COUNTY TOWNS OF CUMBERLAND				
WILMINGTON, DE-NJ-MD PMSA	367	439	522	652 776
COUNTY TOWNS OF SALEM				

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E : NEW MEXICO					0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBUQUERQUE, NM MSA					336	408	480	600	673
COUNTY(IES): BERNALILLO									
LAS CRUCES, NM MSA					267	324	381	477	534
COUNTY(IES): DONA ANA									
SANTA FE, NM MSA					391	475	560	699	783
COUNTY(IES): LOS ALAMOS, SANTA FE									
NONMETROPOLITAN COUNTIES					0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CATRON					262	318	374	468	524
CIBOLA					241	293	345	437	490
CURRY					241	293	345	437	490
EDDY					241	293	345	437	490
GUADALUPE					241	293	345	437	490
HIDALGO					241	293	345	437	490
LINCOLN					241	293	345	437	490
MCKINLEY					241	293	345	437	490
OTERO					241	293	345	437	490
RIO ARriba					241	293	345	437	490
SANDOVAL					241	293	345	437	490
SAN MIGUEL					241	293	345	437	490
SOCORRO					241	293	345	437	490
TORRANCE					241	293	345	437	490
VALANCIA					241	293	345	437	490
S T A T E : NEW YORK					0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBANY-SCHENECTADY-TROY, NY MSA					309	371	438	551	613
COUNTY(IES): ALBANY, GREENE, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY									
BINGHAMTON, NY MSA					279	335	396	489	549
COUNTY(IES): BROOME, TIoga									
BUFFALO, NY MSA					282	342	403	504	563
COUNTY(IES): ERIE									
ELMIRA, NY MSA					281	342	403	504	565
COUNTY(IES): CHEMUNG									
GLENS FALLS, NY MSA					291	354	416	520	583
COUNTY(IES): WARREN, WASHINGTON									
*NASSAU-SUFFOLK, NY MSA					499	605	712	891	996
COUNTY(IES): NASSAU, SUFFOLK									
*NEW YORK, NY MSA					376	455	535	671	761
COUNTY(IES): BRONX, KINGS, NEW YORK, PUTNAM, QUEENS, RICHMOND, ROCKLAND, WESTCHESTER									
COUNTY(IES): NIAGARA					271	328	386	483	541
COUNTY(IES): ORANGE					372	452	531	664	744
COUNTY(IES): DUTCHESS					422	513	604	755	846
COUNTY(IES): LIVINGSTON, MONROE, ONTARIO, ORLEANS, WAYNE					331	405	477	596	663
COUNTY(IES): MADISON, ONONDAGA, OSWEGO					292	349	409	511	573
COUNTY(IES): HERKIMER, ONEIDA					254	309	363	455	509
NONMETROPOLITAN COUNTIES					0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGANY					245	297	349	437	490
CATTARAUGUS					245	297	349	437	490
CHAUTAUQUA					245	297	349	437	490
CLINTON					245	297	349	437	490
CORTLAND					245	297	349	437	490
ESSEX					245	297	349	437	490
FULFORD					245	297	349	437	490
HAMILTON					245	297	349	437	490
LEWIS					245	297	349	437	490
ST. LAWRENCE					245	297	349	437	490
SCHUYLER					245	297	349	437	490
STUBBINS					245	297	349	437	490
TOMPKINS					245	297	349	437	490
WYOMING					245	297	349	437	490

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: NORTH CAROLINA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHEVILLE, NC MSA	255	310	365	455	510
BUNCOMBE COUNTY(IES):					
•BURLINGTON, NC MSA	253	307	361	451	506
COUNTY(IES): ALAMANCE					
CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA	284	342	401	501	560
COUNTY(IES): CABARRUS, GASTON, LINCOLN, MECKLENBURG, ROWAN, UNION					
FAYETTEVILLE, NC MSA	243	295	348	436	488
COUNTY(IES): CUMBERLAND					
GREENSBORO--WINSTON-SALEM--HIGH POINT, NC MSA	266	324	380	476	534
COUNTY(IES): DAVIDSON, DAVIE, FORSYTH, GUILFORD, RANDOLPH, STOKES, YADKIN	233	282	333	416	467
HICKORY, NC MSA	241	294	346	433	485
COUNTY(IES): ALEXANDER, BURKE, CATAWBA					
JACKSONVILLE, NC MSA	305	371	437	546	611
COUNTY(IES): ONSLOW					
RALEIGH-DURHAM, NC MSA	255	310	365	455	510
COUNTY(IES): DURHAM, FRANKLIN, ORANGE, WAKE					
WILMINGTON, NC MSA					
COUNTY(IES): NEW HANOVER					

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLEGHANY	230	277	325	407	455
ASHE	230	277	325	406	446
BEAUFORT	255	310	365	455	510
BLADEN	246	300	352	441	494
CALDWELL	230	278	328	414	464
CARTERET	239	291	342	428	476
CHATHAM	305	371	437	538	593
CHOWAN	246	295	344	433	481
CLEVELAND	230	277	325	407	455
CRAVEN	239	291	342	428	476
DARE	246	291	342	428	476
EDGECOMBE	239	291	342	428	476
GRAHAM	199	242	286	368	414
GREENE	223	270	318	399	446
HARNETT	223	270	318	399	446
HENDERSON	251	306	360	450	504
Hoke	231	280	330	409	457
•IREDELL	231	280	330	409	457
JOHNSTON	236	287	338	422	474
LEE	236	287	338	422	474
MCDOWELL	230	277	325	406	446
MADISON	251	306	360	450	504
MITCHELL	230	277	325	406	446
MOORE	232	278	325	407	446
NORTHAMPTON	239	291	342	428	476
PASQUOTANK	246	295	344	428	476
PERQUIMANS	246	295	344	428	476
PITT	255	310	365	455	510
RICHMOND	232	278	325	407	446
ROCKINGHAM	231	280	330	413	455
SAMPSON	223	270	318	399	446
STANLY	228	277	327	409	457
SWAIN	199	242	286	368	414
TYRRELL	246	295	344	428	476
WARREN	221	268	315	395	442
WAYNE	230	277	325	406	446
WATAUGA	230	277	325	406	446
WILKES	230	277	325	406	446
YANCEY	230	277	325	406	446

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B-- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S. T. A. T. E.: NORTH DAKOTA				
BISMARCK, ND MSA				
FARGO-MOORHEAD, ND-MN MSA				
COUNTY(IES): CASS				
GRAND FORKS, ND MSA				
COUNTY(IES): GRAND FORKS				
NONMETROPOLITAN COUNTIES				
0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	298	350	439	490
BENSON	244	350	439	490
BOTTINEAU	251	350	439	490
BURKE	244	350	439	490
DICKEY	251	350	439	490
DUNN	244	350	439	490
EMMONS	221	315	396	442
GOLDEN VALLEY	244	350	439	490
GRIGGS	251	350	439	490
KIDDER	221	315	396	442
LOGAN	251	350	439	490
MCINTOSH	251	350	439	490
MCLEAN	251	350	439	490
MOUNTAIN	244	350	439	490
MOUNTAIN	244	350	439	490
OLIVER	244	350	439	490
PIERCE	244	350	439	490
RANSOM	228	326	407	455
RICHLAND	228	326	407	455
SARGENT	228	326	407	455
SILOUX	221	315	396	442
STARK	244	350	439	490
STUTSMAN	251	350	439	490
TRAIL	228	326	407	455
WARD	244	350	439	490
WILLIAMS	244	350	439	490
COUNTY(IES): BURLEIGH, MORTON				
0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BARNES	251	350	439	490
BILLINGS	244	350	439	490
BOWMAN	244	350	439	490
CAVALIER	251	350	439	490
DIVIDE	244	350	439	490
EDDY	251	350	439	490
FOSTER	251	350	439	490
GRANT	221	315	396	442
HETTINGER	244	350	439	490
LA MOORE	251	350	439	490
MCHEMIE	244	350	439	490
MCKENZIE	244	350	439	490
MERCER	221	315	396	442
MILCON	251	350	439	490
PLUMBER	251	350	439	490
RAMSEY	244	350	439	490
RENNETT	251	350	439	490
SHERIDAN	221	315	396	442
SLOPE	244	350	439	490
STEELE	228	326	407	455
TOWNER	251	350	439	490
WALSH	251	350	439	490
WELLS	251	350	439	490

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787.

## STATE: OHIO

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AKRON, OH FMSA	287	349	411	514	575
CANTON, OH MSA	251	305	358	448	503
CINCINNATI, OH FMSA	260	318	375	469	522
CLEVELAND, OH FMSA	300	365	428	535	600
COLUMBUS, OH FMSA	286	344	408	509	573
DAYTON, OH FMSA	265	323	376	472	524
HAMILTON, OH FMSA	292	356	418	523	585
HUNTINGTON, OH FMSA	282	342	403	504	566
LIMA, OH MSA	266	323	380	476	534
LORAIN-ELYRIA, OH FMSA	282	344	405	506	567
MANFIELD, OH MSA	240	294	344	431	482
PARKERSBURG-MARIETTA, WV-OH MSA	262	317	374	469	524
STEUBENVILLE-WEIRTON, OH-WV MSA	269	327	383	480	539
TOLEDO, OH MSA	305	371	437	546	612
WHEELING, WV-OH MSA	265	322	380	475	532
YOUNGSTOWN-WARREN, OH MSA	266	323	380	476	534

## NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADAMS	238	287	336	418	470
ASHTABULA	280	341	402	503	562
BROWN	238	287	336	418	470
CLINTON	242	296	347	435	486
COSHOCTON	217	266	312	386	435
DARKE	242	296	347	435	486
ERIE	274	333	392	489	549
GALLIA	262	317	374	469	524
HANCOCK	258	312	368	459	516
HARRISON	241	294	346	433	484
HIGHLAND	238	287	336	418	470
HOLMES	255	310	365	456	511
JACKSON	234	285	335	418	470
LOGAN	231	280	328	409	463
MEigs	231	280	328	409	463
MONROE	234	285	335	418	470
MORROW	260	315	371	465	520
NOBLE	271	329	386	484	543
PAULDING	234	285	335	418	470
PIKE	262	317	374	469	524
PUTNAM	241	294	346	433	484
SANDUSKY	241	294	346	433	484
SENECA	255	310	365	456	511
TUSCARAWAS	262	317	374	469	524
VINTON	271	329	386	484	543
WILLIAMS	271	329	386	484	543

## COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ASHLAND	263	327	376	471	526
ATHENS	249	308	354	450	504
CHAMPAIGN	254	308	354	450	504
COLUMBIANA	249	308	354	450	504
CRAWFORD	241	292	336	433	484
DELANCE	271	329	386	480	539
FAYETTE	242	296	347	435	486
GURNESEY	257	311	367	458	514
HARDIN	258	312	368	459	516
HENRY	271	329	386	480	539
HOCKING	231	280	328	409	463
MUSON	241	292	336	433	484
KNOX	234	285	335	418	470
MARION	234	285	335	418	470
MERCER	234	285	335	418	470
MORGAN	234	285	335	418	470
MUSKINGUM	260	315	371	465	520
OTTAWA	274	331	386	484	543
PERRE	231	280	328	409	463
PREBLE	231	280	328	409	463
ROSS	242	296	347	435	486
SCHUYLER	242	296	347	435	486
SELBY	242	296	347	435	486
SHAWNEE	242	296	347	435	486
WAYNE	263	327	376	471	526
WYANDOT	241	292	336	433	484

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.



## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 11/787

S T A T E: PENNSYLVANIA	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALLENTOWN-BETHLEHEM, PA-NJ MSA	303	368	430	542	604
COUNTY(IES): CARBON, LEHIGH, NORTHAMPTON					
ALTOONA, PA MSA	270	327	385	481	539
COUNTY(IES): BLAIR					
BEAVER COUNTY, PA PMSA	288	347	408	511	572
COUNTY(IES): BEAVER					
ERIE, PA MSA	310	377	443	554	621
COUNTY(IES): ERIE					
HARRISBURG-LEBANON-CARLISLE, PA MSA	321	385	458	568	636
COUNTY(IES): CUMBERLAND, DAUPHIN, LEBANON, PERRY					
JOHNSTOWN, PA MSA	261	319	374	468	525
COUNTY(IES): CAMBRIA, SOMERSET					
LANCASTER, PA MSA	324	394	463	580	649
COUNTY(IES): LANCASTER					
PHILADELPHIA, PA-NJ PMSA	347	419	492	615	687
COUNTY(IES): BUCKS, CHESTER, DELAWARE, MONTGOMERY, PHILADELPHIA					
PITTSBURGH, PA PMSA	302	367	431	539	604
COUNTY(IES): ALLEGANY, FAYETTE, WASHINGTON, WESTMORELAND					
READING, PA MSA	303	369	433	542	607
COUNTY(IES): BERKS					
SCRANTON--WILKES-BARRE, PA MSA	246	303	353	435	493
COUNTY(IES): COLUMBIA, LACKAWANNA, LUZERNE, MONROE, WYOMING					
SHARON, PA MSA	287	348	411	514	576
COUNTY(IES): MERCER					
STATE COLLEGE, PA MSA	346	421	496	619	694
COUNTY(IES): CENTRE					
WILLIAMSPORT, PA MSA	261	319	374	468	525
COUNTY(IES): LYCOMING					
YORK, PA MSA	292	355	417	522	585
COUNTY(IES): ADAMS, YORK					

NONMETROPOLITAN COUNTIES	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ARMSTRONG	243	296	348	415	487
BRIDGEMAN	243	296	348	415	487
BUTLER	243	296	348	415	487
CARLETON	247	301	354	421	496
CRAWFORD	254	308	362	437	502
ELK	254	308	362	437	502
FRANKLIN	277	338	396	473	548
GREENE	277	338	396	473	548
INDIANA	258	314	370	442	517
JUNIATA	251	305	359	430	503
MCKEAN	251	305	359	430	503
MONTGOMERY	254	308	362	437	502
PIKE	258	314	370	442	517
SCHUYLKILL	280	339	399	483	556
SULLIVAN	280	339	399	483	556
TIOGA	250	304	358	427	500
VENANGO	250	304	358	427	500
WAYNE	278	339	399	483	556

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.



## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

## STATE: SOUTH DAKOTA

RAPID CITY, SD MSA  
COUNTY(IES): PENNINGTON  
STOUE FALLS, SD MSA  
COUNTY(IES): MINNEHAHA

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
AURORA	238	286	335	419	469
BENNETT	215	261	308	385	431
BROOKINGS	233	280	327	407	453
BRULE	235	284	332	419	469
BUTTE	256	312	366	459	514
CHARLES MIX	235	284	335	419	469
CLAY	235	284	335	419	469
CORSON	215	261	308	385	431
DAVISON	238	286	335	419	469
DEUEL	210	252	301	373	428
DOUGLAS	235	284	335	419	469
FALL RIVER	233	280	327	407	453
GRANT	233	280	327	407	453
HAakon	215	261	308	385	431
HARDING	235	284	335	419	469
HUTCHINSON	215	261	308	385	431
JACKSON	215	261	308	385	431
JONES	215	261	308	385	431
LAKE	204	248	291	365	409
LINCOLN	238	286	335	419	469
MCCOOK	204	248	291	365	409
MARSHALL	227	278	326	409	458
MELLETTTE	215	261	308	385	431
MOODY	204	248	291	365	409
POTTER	215	261	308	385	431
SANBORN	238	286	335	419	469
-SPINK	227	278	326	409	458
SULLY	215	261	308	385	431
TRIPP	215	261	308	385	431
UNION	235	284	335	419	469
YANKTON	235	284	335	419	469

## NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEADLE	238	286	335	419	469
BON HOMME	235	284	332	419	469
BROWN	253	307	359	449	502
BUFFALO	215	261	308	385	431
CAMPBELL	215	261	308	385	431
*CLARK	210	252	301	373	428
CODINGTON	233	280	327	407	453
CUSTER	235	284	335	419	469
DAY	227	278	326	409	458
DEWEY	215	261	308	385	431
EDMUNDS	227	278	326	409	458
FAULK	215	261	308	385	431
GREGORY	210	252	301	373	428
HAMLIN	238	286	335	419	469
HANSON	210	252	301	373	428
HUGHES	280	344	401	502	560
HYDE	215	261	308	385	431
JERAULD	238	286	335	419	469
KINGSBURY	204	248	291	365	409
LYMAN	262	312	366	459	514
MEADE	215	261	308	385	431
MCPHERSON	227	278	326	409	458
MINER	264	318	370	459	514
PERKINS	204	248	291	365	409
ROBERTS	215	261	308	385	431
SHANNON	227	278	326	409	458
STANLEY	215	261	308	385	431
TODD	280	344	401	502	560
TURNER	215	261	308	385	431
WALWORTH	238	286	335	419	469
ZIEBACH	215	261	308	385	431

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111797									
STATE: TENNESSEE									
COUNTY: CHATTANOOGA, TN-GA MSA									
COUNTY: CLARKSVILLE-HOPKINSVILLE, TN-KY MSA									
COUNTY: JACKSON, TN MSA									
COUNTY: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA									
COUNTY: KNOXVILLE, TN MSA									
COUNTY: MEMPHIS, TN-AR-MS MSA									
COUNTY: NASHVILLE, TN MSA									
COUNTY: NONMETROPOLITAN COUNTIES									
COUNTY: BEDFORD									
COUNTY: BLEDSOE									
COUNTY: CAMPBELL									
COUNTY: CARROLL									
COUNTY: CLATBORNE									
COUNTY: COCKE									
COUNTY: CROCKETT									
COUNTY: DECATUR									
COUNTY: DYER									
COUNTY: FENTRESS									
COUNTY: GIBSON									
COUNTY: GREENE									
COUNTY: HAMBLEN									
COUNTY: HARDEMAN									
COUNTY: HENRY									
COUNTY: HOUSTON									
COUNTY: JACKSON									
COUNTY: LAKE									
COUNTY: LAWRENCE									
COUNTY: LINCOLN									
COUNTY: MCMINN									
COUNTY: MAURY									
COUNTY: MONROE									
COUNTY: MORGAN									
COUNTY: OVERTON									
COUNTY: PICKETT									
COUNTY: PUTNAM									
COUNTY: ROANE									
COUNTY: SMITH									
COUNTY: TROUSDALE									
COUNTY: WARREN									
COUNTY: WEAKLEY									

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM TO ILLUSTRATE. THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 11/787

## STATE: TEXAS

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ABILENE, TX MSA	284	346	407	509	571
ADRIANO, TX MSA	262	318	375	468	524
AUSTIN, TX MSA	336	403	474	593	664
BEAUMONT-PORT ARTHUR, TX MSA	301	365	430	538	602
BELLEVILLE, TX MSA	314	381	449	561	628
BROWNSVILLE-HARLINGEN, TX MSA	267	324	381	476	534
BRYAN-COLLEGE STATION, TX MSA	353	430	505	632	708
CORPUS CHRISTI, TX MSA	308	374	440	551	617
DALLAS, TX MSA	296	364	427	535	598
EL PASO, TX MSA	264	319	376	470	527
FORT WORTH-ARLINGTON, TX MSA	296	364	427	535	598
GALVESTON-TEXAS CITY, TX MSA	293	356	419	524	587
HOUSTON, TX MSA	280	340	400	500	560
KILLEEN-TEMPLE, TX MSA	260	315	371	464	520
LAREDO, TX MSA	245	299	351	439	493
LONGVIEW-MARSHALL, TX MSA	297	360	424	529	593
LUBBOCK, TX MSA	221	277	362	460	507
MC ALLEN-EDINBURG-MISSON, TX MSA	266	323	379	474	532
MIDLAND, TX MSA	341	414	487	610	683
ODESSA, TX MSA	339	412	484	605	678
SAN ANGELO, TX MSA	286	348	410	513	575
SAN ANTONIO, TX MSA	291	349	413	519	577
SHERMAN-DENISON, TX MSA	261	316	373	466	522
TEXARKANA, TX-TEXARKANA, AR MSA	240	292	344	430	481
TYLER, TX MSA	300	364	429	536	600
VICTORIA, TX MSA	366	444	523	655	733
WACO, TX MSA	248	297	349	433	482
WICHITA FALLS, TX MSA	270	328	387	482	541

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ANDREWS	195	236	277	347	390
ARANSAS	251	306	360	449	504
ARLINGTON	237	287	339	424	474
AUSTIN	269	326	384	480	538
BANDERA	234	284	336	420	469
BAYLOR	218	266	312	391	431
BELLEVILLE	214	262	307	384	431
BELLEVILLE	200	243	285	358	400
BELLEVILLE	237	287	339	424	474
BELLEVILLE	220	269	317	393	438
BELLEVILLE	214	262	307	384	431
BELLEVILLE	245	295	351	439	493
BELLEVILLE	209	259	300	374	420
BELLEVILLE	270	328	387	482	541
BELLEVILLE	218	266	312	391	431
BELLEVILLE	220	269	317	393	438

NOTE: THE FMR FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

## STATE: TEXAS

NONMETROPOLITAN COUNTIES					0 BEDROOMS					1 BEDROOM					2 BEDROOMS					3 BEDROOMS					4 BEDROOMS				
0 BEDROOMS					1 BEDROOM					2 BEDROOMS					3 BEDROOMS					4 BEDROOMS					5 BEDROOMS				
COKE	204	248	292	336	380	424	468	512	556	600	644	688	732	776	820	864	908	952	996	1040	1084	1128	1172	1216	1260	1304	1348	1392	1436
COLLINGSWORTH	237	281	325	369	413	457	501	545	589	633	677	721	765	809	853	897	941	985	1029	1073	1117	1161	1205	1249	1293	1337	1381	1425	1469
COMANCHE	226	270	314	358	402	446	490	534	578	622	666	710	754	798	842	886	930	974	1018	1062	1106	1150	1194	1238	1282	1326	1370	1414	1458
COOKE	250	294	338	382	426	470	514	558	602	646	690	734	778	822	866	910	954	998	1042	1086	1130	1174	1218	1262	1306	1350	1394	1438	1482
CRANE	195	239	283	327	371	415	459	503	547	591	635	679	723	767	811	855	899	943	987	1031	1075	1119	1163	1207	1251	1295	1339	1383	1427
CROSBY	220	264	308	352	396	440	484	528	572	616	660	704	748	792	836	880	924	968	1012	1056	1100	1144	1188	1232	1276	1320	1364	1408	1452
DALLAM	237	281	325	369	413	457	501	545	589	633	677	721	765	809	853	897	941	985	1029	1073	1117	1161	1205	1249	1293	1337	1381	1425	1469
DEAF SMITH	237	281	325	369	413	457	501	545	589	633	677	721	765	809	853	897	941	985	1029	1073	1117	1161	1205	1249	1293	1337	1381	1425	1469
DE WITT	245	289	333	377	421	465	509	553	597	641	685	729	773	817	861	905	949	993	1037	1081	1125	1169	1213	1257	1301	1345	1389	1433	1477
DIMMIT	211	255	299	343	387	431	475	519	563	607	651	695	739	783	827	871	915	959	1003	1047	1091	1135	1179	1223	1267	1311	1355	1399	1443
DUVAL	251	295	339	383	427	471	515	559	603	647	691	735	779	823	867	911	955	999	1043	1087	1131	1175	1219	1263	1307	1351	1395	1439	1483
EDWARDS	217	261	305	349	393	437	481	525	569	613	657	701	745	789	833	877	921	965	1009	1053	1097	1141	1185	1229	1273	1317	1361	1405	1449
FALLS	200	244	288	332	376	420	464	508	552	596	640	684	728	772	816	860	904	948	992	1036	1080	1124	1168	1212	1256	1300	1344	1388	1432
FAYETTE	232	276	320	364	408	452	496	540	584	628	672	716	760	804	848	892	936	980	1024	1068	1112	1156	1200	1244	1288	1332	1376	1420	1464
FRANKLIN	220	264	308	352	396	440	484	528	572	616	660	704	748	792	836	880	924	968	1012	1056	1100	1144	1188	1232	1276	1320	1364	1408	1452
FRIED	234	278	322	366	410	454	498	542	586	630	674	718	762	806	850	894	938	982	1026	1070	1114	1158	1202	1246	1290	1334	1378	1422	1466
GARZA	220	264	308	352	396	440	484	528	572	616	660	704	748	792	836	880	924	968	1012	1056	1100	1144	1188	1232	1276	1320	1364	1408	1452
GLASSCOCK	214	258	302	346	390	434	478	522	566	610	654	698	742	786	830	874	918	962	1006	1050	1094	1138	1182	1226	1270	1314	1358	1402	1446
GONZALES	234	278	322	366	410	454	498	542	586	630	674	718	762	806	850	894	938	982	1026	1070	1114	1158	1202	1246	1290	1334	1378	1422	1466
GRIMES	234	278	322	366	410	454	498	542	586	630	674	718	762	806	850	894	938	982	1026	1070	1114	1158	1202	1246	1290	1334	1378	1422	1466
HALL	237	281	325	369	413	457	501	545	589	633	677	721	765	809	853	897	941	985	1029	1073	1117	1161	1205	1249	1293	1337	1381	1425	1469
HANSFORD	237	281	325	369	413	457	501	545	589	633	677	721	765	809	853	897	941	985	1029	1073	1117	1161	1205	1249	1293	1337	1381	1425	1469
HARTLEY	237	281	325	369	413	457	501	545	589	633	677	721	765	809	853	897	941	985	1029	1073	1117	1161	1205	1249	1293	1337	1381	1425	1469
HEMPHILL	237	281	325	369	413	457	501	545	589	633	677	721	765	809	853	897	941	985	1029	1073	1117	1161	1205	1249	1293	1337	1381	1425	1469
HILL	248	292	336	380	424	468	512	556	600	644	688	732	776	820	864	908	952	996	1040	1084	1128	1172	1216	1260	1304	1348	1392	1436	1480
HOOD	269	313	357	401	445	489	533	577	621	665	709	753	797	841	885	929	973	1017	1061	1105	1149	1193	1237	1281	1325	1369	1413	1457	1501
HOUSTON	236	280	324	368	412	456	500	544	588	632	676	720	764	808	852	896	940	984	1028	1072	1116	1160	1204	1248	1292	1336	1380	1424	1468
HUDSPETH	195	239	283	327	371	415	459	503	547	591	635	679	723	767	811	855	899	943	987	1031	1075	1119	1163	1207	1251	1295	1339	1383	1427
HUTCHINSON	237	281	325	369	413	457	501	545	589	633	677	721	765	809	853	897	941	985	1029	1073	1117	1161	1205	1249	1293	1337	1381	1425	1469
JACK	218	262	306	350	394	438	482	526	570	614	658	702	746	790	834	878	922	966	1010	1054	1098	1142	1186	1230	1274	1318	1362	1406	1450
JASPER	251	295	339	383	427	471	515	559	603	647	691	735	779	823	867	911	955	999	1043	1087	1131	1175	1219	1263	1307	1351	1395	1439	1483
JIM HOGG	239	283	327	371	415	459	503	547	591	635	679	723	767	811	855	899	943	987	1031	1075	1119	1163	1207	1251	1295	1339	1383	1427	1471
JONES	226	270	314	358	402	446	490	534	578	622	666	710	754	798	842	886	930	974	1018	1062	1106	1150	1194	1238	1282	1326	1370	1414	1458
KENDALL	234	278	322	366	410	454	498	542	586	630	674	718	762	806	850	894	938	982	1026	1070	1114	1158	1202	1246	1290	1334	1378	1422	1466
KENT	226	270	314	358	402	446	490	534	578	622	666	710	754	798	842	886	930	974	1018	1062	1106	1150	1194	1238	1282	1326	1370	1414	1458
KIMBLE	204	248	292	336	380	424	468	512	556	600	644	688	732	776	820	864	908	952	996	1040	1084	1128	1172	1216	1260	1304	1348	1392	1436
KINNEY	217	261	305	349	393	437	481	525	569	613	657	701	745	789	833	877	921	965	1009	1053	1097	1141	1185	1229	1273	1317	1361	1405	1449
KNOX	220	264	308	352	396	440	484	528	572	616	660	704	748	792	836	880	924	968	1012	1056	1100	1144	1188	1232	1276	1320	1364	1408	1452
LAMB	220	264	308	352	396	440	484	528	572	616	660	704	748	792	836	880	924	968	1012	1056	1100	1144	1188	1232	1276	1320	1364	1408	1452
LA SALLE	211	255	299	343	387	431	475	519	563	607	651	695	739	783	827	871	915	959	1003	1047	1091	1135	1179	1223	1267	1311	1355	1399	1443
LEE	232	276	320	364	408	452	496	540	584	628	672	716	760	804	848	892	936	980	1024	1068	1112	1156	1200	1244	1288	1332	1376	1420	1464
LIVESTONE	200	244	288	332	376	420	464	508	552	596	640	684	728	772	816	860	904	948	992	1036	1080	1124	1168	1212	1256	1300	1344	1388	1432
LIVE OAK	251	295	339	383	427	471	515	559	603	647	691	735	779	823	867	911	955	999	1043	1087	1131	1175	1219	1263	1307	1351	1395	1439	1483
LOVING	195	239	283	327	371	415	459	503	547	591	635	679	723	767	811	855	899	943	987	1031	1075	1119	1163	1207	1251	1295	1339	1383	1427
MACCULLOCH	204	248	292	336	380	424	468	512	556	600	644	688	732	776	820	864	908	952	996	1040	1084	1128	1172	1216	1260	1304	1348	1392	143

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) (11787)

## STATE: TEXAS

## NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TYLER	292	344	330	336	481	UPSHUR	209	253	300	374
UPTON	241	262	307	334	430	UVALDE	217	255	311	374
VAL VERDE	217	266	311	333	426	VAN ZANDT	216	265	309	382
WALKER	274	334	393	432	550	WARD	195	236	277	350
WASHINGTON	241	292	344	430	481	WHARTON	269	326	384	450
WHEELER	237	287	339	424	474	WILBARGER	218	265	312	391
WILLACY	251	306	360	449	504	WILSON	192	234	275	344
WINKLER	195	236	277	337	390	WISE	268	326	384	450
WOOD	209	253	300	374	426	YOAKUM	220	269	317	393
YOUNG	218	266	311	383	437	ZAPATA	208	252	298	371
ZAVALA	217	266	311	383	426					

## S T A T E: UTAH

## PROVO-OREM, UT MSA

## COUNTY(IES): UTAH

## SALT LAKE CITY-OGDEN, UT MSA

## COUNTY(IES): DAVIS, SALT LAKE, WEBER

## NONMETROPOLITAN COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BEAVER	300	365	430	536	601	BOX ELDER	277	336	396	495
CACHE	277	336	396	495	555	CARRON	243	302	362	461
DAGGETT	343	416	489	612	685	DUCHESNE	300	365	430	536
EMERY	343	416	489	612	685	GARFIELD	300	365	430	536
GRAND	343	416	489	612	685	IRON	300	365	430	536
JUAB	300	365	430	536	601	KANE	300	365	430	536
MILLARD	300	365	430	536	601	MORGAN	277	336	396	495
PIUTE	300	365	430	536	601	RICH	277	336	396	495
SAN JUAN	343	416	489	612	685	SANPETE	300	365	430	536
SEVIER	300	365	430	536	601	SUMMIT	343	416	489	580
TOOELE	277	336	396	495	555	UTAH	343	416	489	580
WASATCH	343	416	489	612	685	WASHINGTON	328	394	465	580
WAYNE	300	365	430	536	601					

## S T A T E: VERMONT

## BURLINGTON, VT MSA

## COUNTY: CHITTENDEN TOWNS OF BURLINGTON, CHARLOTTE, COLCHESTER, ESSEX, HINESBURG, JERICHO, MILTON, RICHMOND, ST. GEORGE

## COUNTY: FRANKLIN TOWNS OF GEORGIA

## COUNTY: GRAND ISLE TOWNS OF GRAND ISLE, SOUTH HERO

## NONMETROPOLITAN COUNTIES OR PARTS OF COUNTIES

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ADDISON COUNTY	311	377	444	554	621	ALBANY, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
BENNINGTON COUNTY	316	388	455	566	638	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
CALEDONIA COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
CHITTENDEN COUNTY	359	437	515	644	721	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
WESTFORD						ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
ESSEX COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
FRANKLIN COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
FAIRFIELD, BAKERSFIELD, BERKSHIRE, ENOSBURG, FAIRFAX	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
FRANKLIN, HIGHGATE, MONTGOMERY, RICHFORD, ST. ALBANS, SHELTON, SWANTON	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
GRAND ISLE COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
LAMOILLE COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
ORANGE COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
ORLEANS COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
RUTLAND COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
WASHINGTON COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
WINDHAM COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473
WINDSOR COUNTY	265	321	378	473	530	ANDOVER, ST. ALBANS, SHELTON, SWANTON	265	321	378	473

NOTE: THE FMRs FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.

## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

STATE: VIRGINIA				
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS
CHARLOTTESVILLE, VA MSA	330	402	472	591
COUNTY(IES): ALBEMARLE, FLUVANNA, GREENE, CHARLOTTESVILLE				661
DANVILLE, VA MSA	253	307	361	451
COUNTY(IES): PITTSYLVANIA, DANVILLE				505
JOHNSON CITY-KINGSFORD-BRISTOL, TN-VA MSA	239	290	341	427
COUNTY(IES): SCOTT, WASHINGTON, BRISTOL				478
LYNCHBURG, VA MSA	272	338	389	475
COUNTY(IES): AMHERST, CAMPBELL, LYNCHBURG				545
NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA MSA	316	379	437	538
COUNTY(IES): GLOUCESTER, JAMES CITY, YORK				601
RICHMOND-PETERSBURG, VA MSA	302	363	424	531
COUNTY(IES): CHESTERFIELD, DINWIDDIE, GOOCHLAND, HANOVER, HENRICO, NEW KENT, POWHATAN, PRINCEGEORGE				595
ROANOKE, VA MSA	265	322	378	474
COUNTY(IES): BOTETOURT, ROANOKE, ROANOKE, SALEM				531
WASHINGTON, DC-MO-VA MSA	412	501	590	741
COUNTY(IES): ARLINGTON, FAIRFAX, LOUDOUN, PRINCEWILLIA, STAFFORD, ALEXANDRIA, FAIRFAX, FALLS CHURCH, MANASSAS				830
MANASSAS PK				
NONMETROPOLITAN COUNTIES				
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS
ACCOMACK	301	350	432	483
AMELIA	250	312	391	438
AUGUSTA	265	321	472	529
BEDFORD	228	277	408	457
BRUNSWICK	207	251	370	414
BUCKINGHAM	219	265	391	438
CARROLL	223	270	399	446
CLARKE	265	312	474	531
CULPEPER	275	324	492	551
DICKENSON	236	284	405	453
FAUQUET	275	324	492	551
FRANKLIN	228	277	408	457
GILES	263	320	470	526
GREENSVILLE	207	251	370	414
HENRY	265	322	473	530
ISLE OF WIGHT	214	260	377	414
KING GEORGE	312	379	483	530
LANCASTER	240	293	431	483
LOUISA	279	337	492	551
MADISON	279	337	492	551
MECKLENBURG	207	251	370	414
MONTGOMERY	321	389	457	514
NORTHAMPTON	250	301	432	483
NOTTOWAY	219	265	391	438
PAGE	265	322	474	531
PRINCE EDWARD	219	265	391	438
RAPPAHANNOCK	275	334	492	551
ROCKBRIDGE	264	321	481	538
RUSSELL	253	307	461	514
SMYTH	273	329	489	546
SPOTSYLVANIA	312	379	489	546
SUSSEX	207	251	370	414
WARREN	265	322	474	531
WISE	265	322	474	531
WYOMING	228	277	408	457
CLIFTON FORG	264	321	481	538
EMPORIA	207	251	370	414
FREDERICKSBURG	312	379	481	538
HARRISONBURG	264	321	481	538
MARTINSVILLE	264	321	481	538
MARTIN	264	321	481	538
STANTON	264	321	481	538
WINCHESTER	265	322	474	531
ALLEGANY	264	321	377	472
APPOMATTOX	264	321	377	472
BATH	264	321	377	472
BLAND	253	307	361	451
BUCHANAN	253	307	361	451
CHARLOTTE	219	265	391	438
CRAIG	207	251	370	414
CUMBERLAND	219	265	391	438
ESSEX	240	293	431	483
FLOYD	263	320	470	526
FREDERICK	255	320	470	526
GRAYSON	223	270	391	438
HALIFAX	219	265	391	438
HIGHLAND	264	321	472	529
KING - QUEEN	240	293	431	483
KING WILLIAM	240	293	431	483
LEE	226	274	405	453
LUNENBURG	219	265	391	438
MADHEWS	240	293	431	483
MIDDLESEX	240	293	431	483
NELSON	232	283	431	483
NORTHUMBERLAND	270	322	474	531
ORANGE	270	322	474	531
PATRICK	229	277	408	457
PLATTSBURGH	229	277	408	457
RICHMOND	260	312	472	529
ROCKINGHAM	260	312	472	529
ROCKSWORTH	260	312	472	529
SHERMAN	260	312	472	529
SURRY	214	260	391	438
TAYLOR	260	312	472	529
WESTMORELAND	260	312	472	529
WISCONSIN	260	312	472	529
WYOMING	260	312	472	529
YORK	260	312	472	529

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMR FOR EACH ADDITIONAL BEDROOM TO ILLUSTRATE THE FMR FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMR, AND THE CALCULATION OF THE FMR FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMR, ETC.



## SCHEDULE B - FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 111787

S T A T E: WISCONSIN				
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS
APPLETON-OSHKOSH-NEENAH, WI MSA	261	318	375	469
COUNTY(IES): CALUMET, OUTAGAMIE, WINNEBAGO	288	343	404	506
DULUTH, MN-WI MSA	259	316	372	464
COUNTY(IES): DOUGLAS	261	318	377	469
EAU CLAIRE, WI MSA	289	352	414	518
COUNTY(IES): CHIPPEWA, EAU CLAIRE	310	378	444	556
GREEN BAY, WI MSA	309	375	442	552
COUNTY(IES): BROWN	309	377	449	545
JANESVILLE, WI MSA	306	371	437	546
COUNTY(IES): ROCK	359	435	516	645
KENOSHA, WI MSA	290	352	415	519
COUNTY(IES): KENOSHA	268	325	383	479
LA CROSSE, WI MSA	261	318	375	469
COUNTY(IES): LA CROSSE				
MADISON, WI MSA				
COUNTY(IES): DANE				
MILWAUKEE, WI MSA				
COUNTY(IES): MILWAUKEE, OZAUKEE, WASHINGTON, WAUKESHA				
MINNEAPOLIS-ST. PAUL, MN-WI MSA				
COUNTY(IES): ST. CROIX				
RACINE, WI MSA				
COUNTY(IES): RACINE				
SHEBOYGAN, WI MSA				
COUNTY(IES): SHEBOYGAN				
WAUSAU, WI MSA				
COUNTY(IES): MARATHON				
NONMETROPOLITAN COUNTIES				
	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS
ADAMS	267	323	381	477
BARRON	267	323	381	477
BUFFALO	267	323	381	477
CLARK	267	323	381	477
CRAWFORD	267	323	381	477
DOOR	267	323	381	477
FLORENCE	267	323	381	477
FOND DU LAC	267	323	381	477
FOREST	267	323	381	477
GREEN	267	323	381	477
IOWA	267	323	381	477
JACKSON	267	323	381	477
JUNEAU	267	323	381	477
LAFAYETTE	267	323	381	477
LINCOLN	267	323	381	477
MARINETTE	267	323	381	477
MENOMINEE	267	323	381	477
MONROE	267	323	381	477
OCONEG	267	323	381	477
PEPIN	267	323	381	477
POLK	267	323	381	477
PRICE	267	323	381	477
RUSK	267	323	381	477
SAVIER	267	323	381	477
TAYLOR	267	323	381	477
VERNON	267	323	381	477
WALWORTH	267	323	381	477
WAUPACA	267	323	381	477
WOOD	267	323	381	477

NOTE: THE FMRS FOR UNIT SIZES LARGER THAN FOUR-BEDROOMS ARE CALCULATED BY ADDING 15 PERCENT TO THE FOUR-BEDROOM FMRS FOR EACH ADDITIONAL BEDROOM. TO ILLUSTRATE, THE FMRS FOR A FIVE-BEDROOM UNIT IS 1.15 TIMES THE FOUR-BEDROOM FMRS, AND THE CALCULATION OF THE FMRS FOR A SIX-BEDROOM UNIT IS 1.30 TIMES THE FOUR-BEDROOM FMRS, ETC.



## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: ALABAMA	66	76
MSA: ANNISTON, AL	69	77
MSA: BIRMINGHAM, AL	97	107
MSA: COLUMBUS, GA-AL	88	97
MSA: DOTHAN, AL	64	73
MSA: FLORENCE, AL	77	83
MSA: GADSDEN, AL	69	77
MSA: HUNTSVILLE, AL	97	107
MSA: MOBILE, AL	78	84
MSA: MONTGOMERY, AL	78	83
MSA: TUSCALOOSA, AL	90	103
EXCEPTION COUNTY: LIMESTONE	81	89
EXCEPTION COUNTY: MARSHALL	81	89
NON METRO STATE: ALASKA	202	202
MSA: ANCHORAGE, AK	224	224
EXCEPTION COUNTY: KETCHIKAN	202	214
NON METRO STATE: ARIZONA	93	118
MSA: PHOENIX, AZ	129	153
MSA: TUCSON, AZ	93	129
NON METRO STATE: ARKANSAS	38	42
MSA: FAYETTEVILLE-SPRINGDALE, AR	61	65
MSA: FORT SMITH, AR-OK	35	38
MSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	52	54
MSA: MEMPHIS, TN-AR-MS	89	89
MSA: PINE BLUFF, AR	28	30
MSA: TEXARKANA, TX-TEXARKANA, AR	106	119
EXCEPTION COUNTY: BENTON	53	55
EXCEPTION COUNTY: LITTLE RIVER	88	99
NON METRO STATE: CALIFORNIA	145	190
PMSA: ANAHEIM-SANTA ANA, CA	339	339
MSA: BAKERSFIELD, CA	136	207
MSA: CHICO, CA	145	190
MSA: FRESNO, CA	207	233
PMSA: LOS ANGELES-LONG BEACH, CA	165	276
MSA: MERCED, CA	145	190
MSA: MODESTO, CA	216	233
PMSA: OAKLAND, CA	235	307

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
* PMSA: OXNARD-VENTURA, CA	212	319
MSA: REDDING, CA	145	190
* PMSA: RIVERSIDE-SAN BERNARDINO, CA	140	221
MSA: SACRAMENTO, CA	167	199
* MSA: SALINAS-SEASIDE-MONTEREY, CA	207	260
MSA: SAN DIEGO, CA	217	273
* PMSA: SAN FRANCISCO, CA	252	328
PMSA: SAN JOSE, CA	299	349
MSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	171	260
PMSA: SANTA CRUZ, CA	219	274
PMSA: SANTA ROSA-PETALUMA, CA	216	263
MSA: STOCKTON, CA	228	233
PMSA: VALLEJO-FAIRFIELD-NAPA, CA	145	260
MSA: VISALIA-TULARE-PORTERVILLE, CA	145	190
MSA: YUBA CITY, CA	145	190
EXCEPTION COUNTY: SAN LUIS OBI	198	233
NON METRO STATE: COLORADO	N/A	N/A
PMSA: BOULDER-LONGMONT, CO	222	243
MSA: COLORADO SPRINGS, CO	136	153
PMSA: DENVER, CO	253	273
MSA: FORT COLLINS-LOVELAND, CO	129	145
MSA: GREELEY, CO	129	145
MSA: PUEBLO, CO	129	145
EXCEPTION COUNTY: ALAMOSA	108	129
EXCEPTION COUNTY: ARCHULETA	129	145
EXCEPTION COUNTY: BACA	108	129
EXCEPTION COUNTY: BENT	108	129
EXCEPTION COUNTY: CHAFFEE	129	145
EXCEPTION COUNTY: CHEYENNE	108	129
EXCEPTION COUNTY: CLEAR CREEK	129	145
EXCEPTION COUNTY: CONEJOS	108	129
EXCEPTION COUNTY: COSTILLA	108	129
EXCEPTION COUNTY: CROWLEY	108	129
EXCEPTION COUNTY: CUSTER	129	145
EXCEPTION COUNTY: DELTA	129	145
EXCEPTION COUNTY: DELORES	129	145
EXCEPTION COUNTY: EAGLE	208	233
EXCEPTION COUNTY: ELBERT	108	129
EXCEPTION COUNTY: FREMONT	129	145
EXCEPTION COUNTY: GARFIELD	208	233
EXCEPTION COUNTY: GILPIN	164	189
EXCEPTION COUNTY: GRAND	129	145
EXCEPTION COUNTY: GUNNISON	129	145
EXCEPTION COUNTY: HINSDALE	129	145

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: HUERFANO	108	129
EXCEPTION COUNTY: JACKSON	129	145
EXCEPTION COUNTY: KIOWA	108	129
EXCEPTION COUNTY: KIT CARSON	108	129
EXCEPTION COUNTY: LAKE	129	145
EXCEPTION COUNTY: LA PLATA	129	145
EXCEPTION COUNTY: LAS ANIMAS	108	129
EXCEPTION COUNTY: LINCOLN	108	129
EXCEPTION COUNTY: LOGAN	108	129
EXCEPTION COUNTY: MESA	129	145
EXCEPTION COUNTY: MINERAL	108	129
EXCEPTION COUNTY: MOFFAT	208	233
EXCEPTION COUNTY: MONTEZUMA	129	145
EXCEPTION COUNTY: MONTROSE	129	145
EXCEPTION COUNTY: MORGAN	108	129
EXCEPTION COUNTY: OTERO	108	129
EXCEPTION COUNTY: OURAY	129	145
EXCEPTION COUNTY: PARK	129	145
EXCEPTION COUNTY: PHILLIPS	108	129
EXCEPTION COUNTY: PITKIN	208	233
EXCEPTION COUNTY: PROWERS	108	129
EXCEPTION COUNTY: RIO BLANCO	208	233
EXCEPTION COUNTY: RIO GRANDE	108	129
EXCEPTION COUNTY: ROUTT	208	233
EXCEPTION COUNTY: SAGUACHE	108	129
EXCEPTION COUNTY: SAN JUAN	129	145
EXCEPTION COUNTY: SAN MIGUEL	129	145
EXCEPTION COUNTY: SEDGWICK	108	129
EXCEPTION COUNTY: SUMMIT	208	233
EXCEPTION COUNTY: TELLER	108	129
EXCEPTION COUNTY: WASHINGTON	108	129
EXCEPTION COUNTY: YUMA	108	129
NON METRO STATE: CONNECTICUT	134	134
PMSA: BRIDGEPORT-MILFORD, CT	172	172
PMSA: BRISTOL, CT	134	134
PMSA: DANBURY, CT	131	131
PMSA: HARTFORD, CT	146	146
PMSA: MIDDLETOWN, CT	146	146
PMSA: NEW BRITAIN, CT	131	131
MSA: NEW HAVEN-MERIDEN, CT	131	131
MSA: NEW LONDON-NORWICH, CT-RI	125	125
PMSA: NORWALK, CT	161	161
PMSA: STAMFORD, CT	161	161
MSA: WATERBURY, CT	134	134

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA. SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: DELAWARE	67	67
PMSA: WILMINGTON, DE-NJ-MD	120	120
NON METRO STATE: DIST. OF COLUMBIA	155	155
MSA: WASHINGTON, DC-MD-VA	162	162
NON METRO STATE: FLORIDA	83	83
MSA: BRADENTON, FL	119	119
MSA: DAYTONA BEACH, FL	106	106
PMSA: FORT LAUDERDALE-HOLLYWOOD-POMPADOR BEACH, FL	171	171
MSA: FORT MYERS-CAPE CORAL, FL	111	111
MSA: FORT PIERCE, FL	81	81
MSA: FORT WALTON BEACH, FL	83	83
MSA: GAINESVILLE, FL	83	83
MSA: JACKSONVILLE, FL	77	89
MSA: LAKELAND-WINTER HAVEN, FL	83	83
MSA: MELBOURNE-TITUSVILLE-PALM BAY, FL	97	97
PMSA: MIAMI-HIALEAH, FL	135	135
MSA: NAPLES, FL	83	83
MSA: OCALA, FL	83	83
MSA: ORLANDO, FL	97	97
MSA: PANAMA CITY, FL	83	83
MSA: PENSACOLA, FL	83	83
MSA: SARASOTA, FL	111	111
MSA: TALLAHASSEE, FL	77	77
MSA: TAMPA-ST. PETERSBURG-CLEARWATER, FL	111	111
MSA: WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL	140	140
EXCEPTION COUNTY: BAKER	75	87
EXCEPTION COUNTY: WAKULLA	75	87
* EXCEPTION COUNTY: Columbia	83	83
NON METRO STATE: GEORGIA	60	60
MSA: ALBANY, GA	53	56
MSA: ATHENS, GA	60	60
MSA: ATLANTA, GA	93	99
MSA: AUGUSTA, GA-SC	81	83
MSA: CHATTANOOGA, TN-GA	53	77
MSA: COLUMBUS, GA-AL	88	97
MSA: MACON-WARNER ROBINS, GA	54	59
MSA: SAVANNAH, GA	67	77
EXCEPTION COUNTY: BRYAN	60	64
EXCEPTION COUNTY: TWIGGS	53	58
NON METRO STATE: HAWAII	N/A	N/A

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA. SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: HONOLULU, HI	N/A	N/A
NON METRO STATE: IDAHO		
MSA: BOISE CITY, ID	108	108
NON METRO STATE: ILLINOIS		
MSA: AURORA-ELGIN, IL	116	135
MSA: BLOOMINGTON-NORMAL, IL	102	110
MSA: CHAMPAIGN-URBANA-RANTOUL, IL	196	211
MSA: CHICAGO, IL	115	115
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	94	94
MSA: DECATUR, IL	207	222
MSA: JOLIET, IL	126	132
MSA: KANKAKEE, IL	126	126
MSA: LAKE COUNTY, IL	207	222
MSA: PEORIA, IL	92	92
MSA: ROCKFORD, IL	196	211
MSA: ST. LOUIS, MO-IL	170	187
MSA: SPRINGFIELD, IL	167	178
NON METRO STATE: INDIANA	96	111
MSA: ANDERSON, IN	110	117
MSA: BLOOMINGTON, IN	56	73
MSA: CINCINNATI, OH-KY-IN	63	63
MSA: ELKHART-GOSHEN, IN	59	59
MSA: EVANSVILLE, IN-KY	108	113
MSA: FORT WAYNE, IN	81	81
MSA: GARY-HAMMOND, IN	74	79
MSA: INDIANAPOLIS, IN	70	94
MSA: KOKOMO, IN	100	115
MSA: LAFAYETTE-WEST LAFAYETTE, IN	88	100
MSA: LOUISVILLE, KY-IN	81	93
MSA: MUNCIE, IN	75	111
MSA: SOUTH BEND-MISHAWAKA, IN	79	87
MSA: TERRE HAUTE, IN	60	68
EXCEPTION COUNTY: ADAMS	93	97
EXCEPTION COUNTY: BLACKFORD	59	73
EXCEPTION COUNTY: GIBSON	57	75
EXCEPTION COUNTY: GRANT	64	73
EXCEPTION COUNTY: HENRY	60	73
EXCEPTION COUNTY: JAY	64	73
EXCEPTION COUNTY: MARSHALL	64	73
EXCEPTION COUNTY: RANDOLPH	74	78
	64	73

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA. SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

EXCEPTION COUNTY: SULLIVAN  
 EXCEPTION COUNTY: VERMILLION  
 EXCEPTION COUNTY: WAYNE  
 EXCEPTION COUNTY: WELLS

## NON METRO STATE: IOWA

MSA: CEDAR RAPIDS, IA  
 MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL  
 MSA: DES MOINES, IA  
 MSA: DUBUQUE, IA  
 MSA: IOWA CITY, IA  
 MSA: OMAHA, NE-IA  
 MSA: SIOUX CITY, IA-NE  
 MSA: WATERLOO-CEDAR FALLS, IA

## NON METRO STATE: KANSAS

MSA: KANSAS CITY, MO-KS  
 MSA: LAWRENCE, KS  
 MSA: TOPEKA, KS  
 MSA: WICHITA, KS  
 EXCEPTION COUNTY: JEFFERSON  
 EXCEPTION COUNTY: OSAGE

## NON METRO STATE: KENTUCKY

PMSA: CINCINNATI, OH-KY-IN  
 MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY  
 MSA: EVANSVILLE, IN-KY  
 MSA: HUNTINGTON-ASHLAND, WV-KY-OH  
 MSA: LEXINGTON-FAYETTE, KY  
 MSA: LOUISVILLE, KY-IN  
 MSA: OWENSBORO, KY

## NON METRO STATE: LOUISIANA

MSA: ALEXANDRIA, LA  
 MSA: BATON ROUGE, LA  
 MSA: HOUMA-THIBODAUX, LA  
 MSA: LAFAYETTE, LA  
 MSA: LAKE CHARLES, LA  
 MSA: MONROE, LA  
 MSA: NEW ORLEANS, LA  
 MSA: SHREVEPORT, LA  
 EXCEPTION COUNTY: GRANT

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
	57	69
	57	69
	64	73
	57	75
	88	95
	100	117
	108	132
	100	115
	100	124
	100	115
	95	110
	97	97
	100	117
	77	88
	95	116
	79	91
	77	88
	91	96
	74	85
	74	85
	73	80
	108	113
	77	83
	73	79
	83	83
	90	104
	79	86
	84	100
	78	90
	77	89
	89	106
	78	88
	83	97
	88	104
	77	89
	94	109
	83	97
	75	87

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8. EXISTING HOUSING PROGRAM) 111387

	SINGLE		DOUBLE	
	WIDE SPACE		WIDE SPACE	
EXCEPTION COUNTY: WEBSTER	78		90	
NON METRO STATE: MAINE	119		137	
MSA: BANGOR, ME	119		137	
MSA: LEWISTON-AUBURN, ME	91		91	
MSA: PORTLAND, ME	148		168	
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	119		137	
NON METRO STATE: MARYLAND	120		120	
MSA: BALTIMORE, MD	180		180	
MSA: CUMBERLAND, MD-WV	120		120	
MSA: HAGERSTOWN, MD	151		151	
MSA: WASHINGTON, DC-MD-VA	162		162	
PMSA: WILMINGTON, DE-NJ-MD	120		120	
EXCEPTION COUNTY: ST MARYS	164		164	
NON METRO STATE: MASSACHUSETTS	146		146	
PMSA: BOSTON, MA	139		150	
PMSA: BROCKTON, MA	139		139	
PMSA: FALL RIVER, MA-RI	91		91	
MSA: FITCHBURG-LEOMINSTER, MA	109		109	
PMSA: LAWRENCE-HAVERHILL, MA-NH	131		140	
PMSA: LOWELL, MA-NH	131		140	
MSA: NEW BEDFORD, MA	126		126	
PMSA: PAWTUCKET-WONSOCKET-ATTLEBORO, RI-MA	125		125	
MSA: PITTSFIELD, MA	135		135	
PMSA: SALEM-GLOUCESTER, MA	139		150	
MSA: SPRINGFIELD, MA	107		107	
MSA: WORCESTER, MA	94		94	
NON METRO STATE: MICHIGAN	110		122	
PMSA: ANN ARBOR, MI	157		170	
MSA: BATTLE CREEK, MI	95		110	
MSA: BENTON HARBOR, MI	110		122	
PMSA: DETROIT, MI	154		164	
MSA: FLINT, MI	134		134	
MSA: GRAND RAPIDS, MI	100		109	
MSA: JACKSON, MI	110		110	
MSA: KALAMAZOO, MI	116		119	
MSA: LANSING-EAST LANSING, MI	129		149	
MSA: MUSKEGON, MI	100		102	
MSA: SAGINAW-BAY CITY-MIDLAND, MI	117		117	

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: BARRY	91	105
EXCEPTION COUNTY: IONIA	110	122
EXCEPTION COUNTY: OCEANA	96	98
EXCEPTION COUNTY: SHIAWASSEE	128	128
EXCEPTION COUNTY: VAN BUREN	110	114
NON METRO STATE: MINNESOTA	79	79
MSA: DULUTH, MN-WI	81	92
MSA: FARGO-MOORHEAD, ND-MN	123	140
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	157	157
MSA: ROCHESTER, MN	114	114
MSA: ST. CLOUD, MN	100	100
EXCEPTION COUNTY: POLK	121	137
NON METRO STATE: MISSISSIPPI	78	90
MSA: BILOXI-GULFPORT, MS	89	106
MSA: JACKSON, MS	97	119
MSA: MEMPHIS, TN-AR-MS	89	89
MSA: PASCAGOULA, MS	77	89
EXCEPTION COUNTY: STONE	78	90
NON METRO STATE: MISSOURI	62	69
MSA: COLUMBIA, MO	88	95
MSA: JOPLIN, MO	62	69
MSA: KANSAS CITY, MO-KS	95	116
MSA: ST. JOSEPH, MO	91	97
MSA: ST. LOUIS, MO-IL	96	111
MSA: SPRINGFIELD, MO	64	70
EXCEPTION COUNTY: ANDREW	86	93
NON METRO STATE: MONTANA	N/A	N/A
MSA: BILLINGS, MT	161	179
MSA: GREAT FALLS, MT	136	153
EXCEPTION COUNTY: BEAVERHEAD	129	145
EXCEPTION COUNTY: BIG HORN	129	145
EXCEPTION COUNTY: BLAINE	93	108
EXCEPTION COUNTY: BROADWATER	129	145
EXCEPTION COUNTY: CARBON	129	145
EXCEPTION COUNTY: CARTER	93	108
EXCEPTION COUNTY: CHOUTEAU	93	108
EXCEPTION COUNTY: CUSTER	129	145
EXCEPTION COUNTY: DANIELS	93	108

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
EXCEPTION COUNTY: DAWSON	129	145
EXCEPTION COUNTY: DEER LODGE	129	145
EXCEPTION COUNTY: FALLON	93	108
EXCEPTION COUNTY: FERGUS	93	108
EXCEPTION COUNTY: FLATHEAD	129	145
EXCEPTION COUNTY: GALLATIN	129	145
EXCEPTION COUNTY: GARFIELD	93	108
EXCEPTION COUNTY: GLACIER	93	108
EXCEPTION COUNTY: GOLDEN VALLE	93	108
EXCEPTION COUNTY: GRANITE	129	145
EXCEPTION COUNTY: HILL	93	108
EXCEPTION COUNTY: JEFFERSON	129	145
EXCEPTION COUNTY: JUDITH BASIN	93	108
EXCEPTION COUNTY: LAKE	129	145
EXCEPTION COUNTY: LEWIS+ CLARK	129	145
EXCEPTION COUNTY: LIBERTY	93	108
EXCEPTION COUNTY: LINCOLN	129	145
EXCEPTION COUNTY: MCCONE	93	108
EXCEPTION COUNTY: MADISON	129	145
EXCEPTION COUNTY: MEAGHER	129	145
EXCEPTION COUNTY: MINERAL	129	145
EXCEPTION COUNTY: MISSOULA	129	145
EXCEPTION COUNTY: MUSSELSHELL	129	145
EXCEPTION COUNTY: PARK	129	145
EXCEPTION COUNTY: PETROLEUM	93	108
EXCEPTION COUNTY: PHILLIPS	93	108
EXCEPTION COUNTY: PONDERA	93	108
EXCEPTION COUNTY: POWDER RIVER	129	145
EXCEPTION COUNTY: POWELL	129	145
EXCEPTION COUNTY: PRAIRIE	93	108
EXCEPTION COUNTY: RAVALLI	129	145
EXCEPTION COUNTY: RICHLAND	93	108
EXCEPTION COUNTY: ROOSEVELT	93	108
EXCEPTION COUNTY: ROSEBUD	129	145
EXCEPTION COUNTY: SANDERS	129	145
EXCEPTION COUNTY: SHERIDAN	93	108
EXCEPTION COUNTY: SILVER BOW	129	145
EXCEPTION COUNTY: STILLWATER	93	108
EXCEPTION COUNTY: SWEET GRASS	93	108
EXCEPTION COUNTY: TETON	93	108
EXCEPTION COUNTY: TOOLE	93	108
EXCEPTION COUNTY: TREASURE	129	145
EXCEPTION COUNTY: VALLEY	93	108
EXCEPTION COUNTY: WHEATLAND	93	108
EXCEPTION COUNTY: WIBAUX	93	108
EXCEPTION COUNTY: YL-ST-NT-PK	129	145

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA. SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
NON METRO STATE: NEBRASKA	80	98
MSA: LINCOLN, NE	109	115
MSA: OMAHA, NE-IA	95	110
MSA: SIOUX CITY, IA-NE	97	97
NON METRO STATE: NEVADA	102	118
MSA: LAS VEGAS, NV	216	241
MSA: RENO, NV	216	241
NON METRO STATE: NEW HAMPSHIRE	108	119
PMSA: LAWRENCE-HAVERHILL, MA-NH	131	140
PMSA: LOWELL, MA-NH	131	140
MSA: MANCHESTER, NH	123	134
PMSA: NASHUA, NH	150	150
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	119	136
NON METRO STATE: NEW JERSEY	111	111
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	109	109
MSA: ATLANTIC CITY, NJ	170	170
PMSA: BERGEN-PASSAIC, NJ	228	229
PMSA: JERSEY CITY, NJ	221	221
PMSA: MIDDLESEX-SOMERSET-HUNTERDON, NJ	259	259
PMSA: MONMOUTH-OCEAN, NJ	199	240
PMSA: NEWARK, NJ	214	221
PMSA: PHILADELPHIA, PA-NJ	189	189
PMSA: TRENTON, NJ	167	167
PMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	147	147
PMSA: WILMINGTON, DE-NJ-MD	120	120
NON METRO STATE: NEW MEXICO	97	111
MSA: LAS CRUCES, NM	97	111
MSA: ALBUQUERQUE, NM	108	125
MSA: SANTA FE, NM	97	111
EXCEPTION COUNTY: SANDOVAL	102	116
NON METRO STATE: NEW YORK	129	129
MSA: ALBANY-SCHENECTADY-TROY, NY	160	160
MSA: BINGHAMTON, NY	96	96
PMSA: BUFFALO, NY	117	117
MSA: ELMIRA, NY	103	103

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: GLENS FALLS, NY	129	129
PMSA: NASSAU-SUFFOLK, NY	174	225
PMSA: NEW YORK, NY	181	181
PMSA: NIAGARA FALLS, NY	113	113
PMSA: ORANGE COUNTY, NY	125	125
MSA: POUGHKEEPSIE, NY	166	166
MSA: ROCHESTER, NY	146	146
MSA: SYRACUSE, NY	119	119
MSA: UTICA-ROME, NY	109	109
NON METRO STATE: NORTH CAROLINA	54	67
MSA: ASHEVILLE, NC	77	89
MSA: BURLINGTON, NC	77	89
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	77	89
MSA: FAYETTEVILLE, NC	77	89
MSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	77	89
MSA: HICKORY, NC	54	67
MSA: JACKSONVILLE, NC	54	67
MSA: RALEIGH-DURHAM, NC	77	89
MSA: WILMINGTON, NC	77	89
EXCEPTION COUNTY: BRUNSWICK	64	76
EXCEPTION COUNTY: CURRITUCK	101	101
EXCEPTION COUNTY: MADISON	64	76
NON METRO STATE: NORTH DAKOTA	99	115
MSA: BISMARCK, ND	141	156
MSA: FARGO-MOORHEAD, ND-MN	124	140
MSA: GRAND FORKS, ND	108	133
NON METRO STATE: OHIO	72	72
PMSA: AKRON, OH	108	108
MSA: CANTON, OH	77	77
PMSA: CINCINNATI, OH-KY-IN	108	113
PMSA: CLEVELAND, OH	116	116
MSA: COLUMBUS, OH	100	117
MSA: DAYTON-SPRINGFIELD, OH	77	77
PMSA: HAMILTON-MIDDLETOWN, OH	87	90
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	84	84
MSA: LIMA, OH	100	100
PMSA: LORAIN-ELYRIA, OH	124	124
MSA: MANSFIELD, OH	95	95
MSA: PARKERSBURG-MARIETTA, WV-OH	84	84
MSA: STEUBENVILLE-WEIRTON, OH-WV	75	75

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA. SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
MSA: TOLEDO, OH	126	170
MSA: WHEELING, WV-OH	77	77
MSA: YOUNGSTOWN-WARREN, OH	95	95
EXCEPTION COUNTY: CHAMPAIGN	72	78
EXCEPTION COUNTY: OTTAWA	100	134
EXCEPTION COUNTY: PREBLE	72	72
EXCEPTION COUNTY: PUTNAM	81	81
EXCEPTION COUNTY: VAN WERT	81	81
NON METRO STATE: OKLAHOMA	75	81
MSA: ENID, OK	75	81
MSA: FORT SMITH, AR-OK	35	38
MSA: LAWTON, OK	76	83
MSA: OKLAHOMA CITY, OK	78	86
MSA: TULSA, OK	83	89
EXCEPTION COUNTY: LE FLORE	34	37
EXCEPTION COUNTY: MAYES	75	81
NON METRO STATE: OREGON	137	145
MSA: EUGENE-SPRINGFIELD, OR	161	166
MSA: MEDFORD, OR	137	145
PMSA: PORTLAND, OR	180	200
MSA: SALEM, OR	161	166
NON METRO STATE: PENNSYLVANIA	77	77
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	109	109
MSA: ALTOONA, PA	100	100
PMSA: BEAVER COUNTY, PA	88	88
MSA: ERIE, PA	100	100
MSA: HARRISBURG-LEBANON-CARLISLE, PA	113	113
MSA: JOHNSTOWN, PA	100	100
MSA: LANCASTER, PA	104	104
PMSA: PHILADELPHIA, PA-NJ	189	189
PMSA: PITTSBURGH, PA	91	91
MSA: READING, PA	104	104
MSA: SCRANTON--WILKES-BARRE, PA	92	92
MSA: SHARON, PA	77	77
MSA: STATE COLLEGE, PA	77	77
MSA: WILLIAMSPORT, PA	77	77
MSA: YORK, PA	104	104
EXCEPTION COUNTY: SUSQUEHANNA	77	77
NON METRO STATE: RHODE ISLAND	119	119

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: FALL RIVER, MA-RI	91	91
MSA: NEW LONDON-NORWICH, CT-RI	125	125
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	125	125
PMSA: PROVIDENCE, RI	125	125
NON METRO STATE: SOUTH CAROLINA	60	60
MSA: ANDERSON, SC	60	60
MSA: AUGUSTA, GA-SC	81	83
MSA: CHARLESTON, SC	77	77
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	77	89
MSA: COLUMBIA, SC	67	77
MSA: FLORENCE, SC	60	60
MSA: GREENVILLE-SPARTANBURG, SC	67	67
NON METRO STATE: SOUTH DAKOTA	85	99
MSA: RAPID CITY, SD	85	99
MSA: SIOUX FALLS, SD	119	134
NON METRO STATE: TENNESSEE	60	60
MSA: CHATTANOOGA, TN-GA	53	77
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	77	83
MSA: JACKSON, TN	60	60
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	83	83
MSA: KNOXVILLE, TN	67	67
MSA: MEMPHIS, TN-AR-MS	89	89
MSA: NASHVILLE, TN	89	106
NON METRO STATE: TEXAS	65	81
NON METRO STATE: TEXAS	65	81
MSA: ABILENE, TX	56	63
MSA: AMARILLO, TX	104	109
MSA: AUSTIN, TX	94	111
MSA: BEAUMONT-PORT ARTHUR, TX	97	111
PMSA: BRAZORIA, TX	108	126
MSA: BROWNSVILLE-HARLINGEN, TX	77	89
MSA: BRYAN-COLLEGE STATION, TX	94	106
MSA: CORPUS CHRISTI, TX	81	106
PMSA: DALLAS, TX	83	106
MSA: EL PASO, TX	108	122
PMSA: FORT WORTH-ARLINGTON, TX	83	106

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
PMSA: GALVESTON-TEXAS CITY, TX	105	118
PMSA: HOUSTON, TX	112	131
MSA: KILLEEN-TEMPLE, TX	97	106
MSA: LAREDO, TX	67	83
MSA: LONGVIEW-MARSHALL, TX	89	103
MSA: LUBBOCK, TX	103	106
MSA: MC ALLEN-EDINBURG-MISSION, TX	88	106
MSA: MIDLAND, TX	108	111
MSA: ODESSA, TX	106	111
MSA: SAN ANGELO, TX	89	97
MSA: SAN ANTONIO, TX	77	89
MSA: SHERMAN-DENISON, TX	83	97
MSA: TEXARKANA, TX-TEXARKANA, AR	106	119
MSA: TYLER, TX	83	87
MSA: VICTORIA, TX	65	81
MSA: WACO, TX	86	97
MSA: WICHITA FALLS, TX	60	67
EXCEPTION COUNTY: CALLAHAN	55	61
EXCEPTION COUNTY: CLAY	59	65
EXCEPTION COUNTY: HOOD	70	88
EXCEPTION COUNTY: JONES	55	61
EXCEPTION COUNTY: WISE	70	88
NON METRO STATE: UTAH	N/A	N/A
MSA: PROVO-OREM, UT	129	145
MSA: SALT LAKE CITY-OGDEN, UT	145	161
EXCEPTION COUNTY: BEAVER	93	108
EXCEPTION COUNTY: BOX ELDER	93	108
EXCEPTION COUNTY: CACHE	93	108
EXCEPTION COUNTY: CARBON	129	145
EXCEPTION COUNTY: DAGGETT	93	108
EXCEPTION COUNTY: DUCHESNE	93	108
EXCEPTION COUNTY: EMERY	129	145
EXCEPTION COUNTY: GARFIELD	93	108
EXCEPTION COUNTY: GRAND	129	145
EXCEPTION COUNTY: IRON	93	108
EXCEPTION COUNTY: JUAB	93	108
EXCEPTION COUNTY: KANE	93	108
EXCEPTION COUNTY: MILLARD	93	108
EXCEPTION COUNTY: MORGAN	93	108
EXCEPTION COUNTY: PIUTE	93	108
EXCEPTION COUNTY: RICH	93	108
EXCEPTION COUNTY: SAN JUAN	93	108
EXCEPTION COUNTY: SANPETE	93	108
EXCEPTION COUNTY: SEVIER	93	108

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA. SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE		DOUBLE	
	WIDE SPACE		WIDE SPACE	
EXCEPTION COUNTY: SUMMIT	93		108	
EXCEPTION COUNTY: TODELE	108		120	
EXCEPTION COUNTY: UINTAH	129		145	
EXCEPTION COUNTY: WASATCH	93		108	
EXCEPTION COUNTY: WASHINGTON	93		108	
EXCEPTION COUNTY: WAYNE	93		108	
★ NON METRO STATE: VERMONT	112		129	
★ MSA: BURLINGTON, VT	112		129	
NON METRO STATE: VIRGINIA	86		86	
MSA: CHARLOTTESVILLE, VA	86		86	
MSA: DANVILLE, VA	86		86	
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	83		83	
MSA: LYNCHBURG, VA	77		77	
MSA: NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA	121		121	
MSA: RICHMOND-PETERSBURG, VA	119		119	
MSA: ROANOKE, VA	83		83	
MSA: WASHINGTON, DC-MD-VA	162		162	
EXCEPTION COUNTY: APPOMATTOX	75		75	
EXCEPTION COUNTY: CRAIG	81		81	
NON METRO STATE: WASHINGTON	118		137	
MSA: BELLINGHAM, WA	118		152	
MSA: BREMERTON, WA	118		152	
MSA: OLYMPIA, WA	118		152	
MSA: RICHLAND-KENNEWICK-PASCO, WA	161		161	
PMSA: SEATTLE, WA	150		211	
MSA: SPOKANE, WA	129		145	
PMSA: TACOMA, WA	134		158	
PMSA: VANCOUVER, WA	168		185	
MSA: YAKIMA, WA	129		136	
NON METRO STATE: WEST VIRGINIA	83		83	
MSA: CHARLESTON, WV	89		89	
MSA: CUMBERLAND, MD-WV	120		120	
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	83		83	
MSA: PARKERSBURG-MARIETTA, WV-OH	83		83	
MSA: STEUBENVILLE-WEIRTON, OH-WV	75		75	
MSA: WHEELING, WV-OH	77		77	
EXCEPTION COUNTY: WIRT	81		81	
NON METRO STATE: WISCONSIN	88		95	

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

## SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM) 111387

	SINGLE		DOUBLE	
	WIDE SPACE		WIDE SPACE	
MSA: APPLETON-OSHKOSH-NEENAH, WI	110		117	
MSA: DULUTH, MN-WI	81		92	
MSA: EAU CLAIRE, WI	102		111	
MSA: GREEN BAY, WI	108		115	
MSA: JANESVILLE-BELOIT, WI	108		115	
PMSA: KENOSHA, WI	114		122	
MSA: LA CROSSE, WI	97		106	
MSA: MADISON, WI	162		169	
PMSA: MILWAUKEE, WI	125		132	
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	157		157	
PMSA: RACINE, WI	117		124	
MSA: SHEBOYGAN, WI	88		95	
MSA: WAUSAU, WI	88		95	
NON METRO STATE: WYOMING	N/A		N/A	
MSA: CASPER, WY	216		233	
MSA: CHEYENNE, WY	129		154	
EXCEPTION COUNTY: ALBANY	129		154	
EXCEPTION COUNTY: BIG HORN	129		154	
EXCEPTION COUNTY: CAMPBELL	216		233	
EXCEPTION COUNTY: CARBON	216		233	
EXCEPTION COUNTY: CONVERSE	216		233	
EXCEPTION COUNTY: CROOK	129		154	
EXCEPTION COUNTY: FREMONT	216		233	
EXCEPTION COUNTY: GOSHEN	129		154	
EXCEPTION COUNTY: HOT SPRINGS	129		154	
EXCEPTION COUNTY: JOHNSON	129		154	
EXCEPTION COUNTY: LARAMIE	129		154	
EXCEPTION COUNTY: LINCOLN	129		154	
EXCEPTION COUNTY: PARK	129		154	
EXCEPTION COUNTY: PLATTE	129		154	
EXCEPTION COUNTY: SHERIDAN	216		233	
EXCEPTION COUNTY: SUBLETTE	129		154	
EXCEPTION COUNTY: SWEETWATER	216		233	
EXCEPTION COUNTY: TETON	129		154	
EXCEPTION COUNTY: UTAH	129		154	
EXCEPTION COUNTY: WASHAKIE	129		154	
EXCEPTION COUNTY: WESTON	129		154	

NOTE: TO IDENTIFY COUNTIES (AND NEW ENGLAND TOWNS) IN EACH MSA, SEE SCHEDULE B

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[FR Doc. 87-29182 Filed 12-18-87; 8:45 am]

BILLING CODE 4210-27-C

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION****29 CFR Part 1613****Equal Employment Opportunity in the Federal Government; Complaints of Discrimination; Correction**

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** EEOC is correcting an error in Appendix A to 29 CFR Part 1613 which appeared in the *Federal Register* on October 30, 1987. (52 FR 41919).

**FOR FURTHER INFORMATION CONTACT:** Kathleen Oram, Office of Legal Counsel, (202) 634-6690.

**SUPPLEMENTARY INFORMATION:** The EEOC published a final rule adopting comprehensive changes in the investigation of discrimination complaints in the federal sector and in the appellate and enforcement procedures used by the Commission on October 30, 1987 (52 FR 41919). Appendix A to Part 1613 contained an error, which is discussed briefly below and corrected by this notice.

Clarence Thomas,  
Chairman.

**PART 1613—[CORRECTED]**

The following correction is made in 29 CFR Part 1613, Equal Employment Opportunity in the Federal Government: Complaints of Discrimination published in the *Federal Register* on October 30, 1987 (52 FR 41919). On p. 41933, second column, line 42, change "(between 40 and 70)" to "(over 40)."

[FR Doc. 87-29169 Filed 12-18-87; 8:45 am]

BILLING CODE 9570-06-M

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD5-87-007]

**Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Wrightsville Beach, NC**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** At the request of the Town of Wrightsville Beach, North Carolina, the Coast Guard is changing the regulations governing the operation of the drawbridge across the AICWW, mile 283.1, at Wrightsville Beach, North Carolina. This change is being made to

alleviate the tariff congestion and delays to people living and working in Wrightsville Beach that have resulted from a steady increase in vehicular traffic and bridge openings for the past three years. This action will accommodate the needs of vehicular traffic, while still providing for the reasonable needs of navigation.

**EFFECTIVE DATE:** These regulations become effective on January 20, 1988.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, telephone (804) 398-6222.

**SUPPLEMENTARY INFORMATION:** On April 10, 1987, the Coast Guard published proposed rules (52 FR 11695) concerning this amendment. The Commander, Fifth Coast Guard District, also published the proposal as a Public Notice dated April 10, 1987. In each notice, interested persons were given until May 27, 1987, to submit comments.

**Drafting Information:** The drafters of these regulations are Ann B. Deaton, Project Officer, and CDR Robert J. Reining, Project Attorney, Fifth Coast Guard District Legal Staff.

**Discussion of Comments**

In late 1986, the Town of Wrightsville Beach, North Carolina, requested a change in the drawbridge regulations governing operation of the bridge across the AICWW, mile 283.1, at Wrightsville Beach, North Carolina, to extend the hourly opening schedule now in effect from May through October to year-round. A proposed rule was published in the *Federal Register* (52 FR 11695) on April 10, 1987. As a result of the proposed rule, 30 letters were received. 27 of these favored the proposed change in regulations. One of the favorable responses was a petition signed by 40 individuals. One response supported a year-round hourly opening schedule, but requested that the hours of restriction begin at 6 a.m. or 6:30 a.m. instead of 7 a.m. Two of the responses were from boaters who opposed the hourly openings on a year-round basis because of the lack of docking facilities and anchoring space for vessels awaiting the next scheduled hourly opening.

Since the suggestion that the hourly opening schedule begin at 6 a.m. rather than 7 a.m. was the only one of its kind, and the 7 a.m. to 7 p.m. schedule is acceptable to all of the others who support the change, the proposed schedule is considered to be in the public interest. The comments of the two opponents to the proposal have been considered, and it is felt that once boaters know what the schedule is, they may plan their transits accordingly, thus

avoiding any lengthy delays at the bridge.

**Economic Assessment and Certification**

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that the regulation will have no effect on commercial navigation, or on any industries that depend on waterborne transportation. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 33 CFR Part 117**

Bridges.

**Regulations**

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

**PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.48; 33 CFR 1.05-01(g).

2. Section 117.821(c) is revised to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Bogue Sound to Wrightsville Beach.

(c) The draw of the SR 74 bridge, mile 283.1, at Wrightsville Beach:

(1) Shall open on signal from 7 p.m. to 7 a.m.

(2) Shall open only on the hour for the passage of pleasure vessels from 7 a.m. to 7 p.m. However, if a pleasure vessel is approaching the drawbridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching pleasure vessel and any other pleasure vessels that are waiting to pass.

(3) Shall open on signal for public vessels of the United States, State or local vessels used for public safety, commercial vessels, and vessels in distress.

Dated: November 19, 1987.

A.D. Breed,

Rear Admiral, U.S. Coast Guard Commander,  
Fifth Coast Guard District.

[FR Doc. 87-29207 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 160

[CGD 87-055]

#### Notifications of Arrivals, Departures, Hazardous Conditions, and Dangerous Cargoes

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending the advance notice of arrival and departure regulations by deleting the requirement in 33 CFR 160.209 that ships bound for ports on the Great Lakes notify the Ninth District Commander prior to entering the Snell Locks, Massena, NY. This action is necessary because the Coast Guard presently receives information on ships entering the locks at Massena, NY from the Saint Lawrence Seaway Development Corporation. This action will eliminate duplicate reporting requirements and reduce the cost and burden to the marine industry and the Coast Guard.

**EFFECTIVE DATE:** December 21, 1987.

**ADDRESSES:** Persons desiring to comment on the information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget (OMB), 726 Jackson Place, NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Joel R. Whitehead, Project Manager, Office of Marine Safety, Security, and Environmental Protection, phone (202) 267-0494.

**SUPPLEMENTARY INFORMATION:** The Ports and Waterways Safety Act of 1972, 33 U.S.C. 1221 *et seq.*, as amended by the Port and Tanker Safety Act of 1978, authorizes the Secretary to require vessels destined for a port or place subject to the jurisdiction of the United States to give a prearrival notice to the cognizant Captain of the Port (COTP). This prearrival notice must be given in sufficient time to permit advance vessel traffic planning and must include any information the Secretary determines necessary to control the vessel and protect the port and marine environment. Under the regulations in 33 CFR 160.207, vessels of 1600 gross tons or more must provide the COTP an advance notice 24 hours prior to arrival.

The required notice provides the COTP with a list of vessels and cargoes entering and departing ports. This information enables the COTP to effectively monitor and control the movement of vessels and to deny entry to vessels because they have previously been identified as posing a threat to the safety, security or environment of U.S. ports.

This regulation deletes a duplicate reporting requirement. Vessels bound for the Great Lakes are required to notify the Commander, Ninth Coast Guard District twenty-four hours before arrival at the Snell Locks, Massena, New York. Vessels entering the Great Lakes also give the Saint Lawrence Seaway Development Corporation an advance notice prior to arrival at the Snell Locks. In turn, the Saint Lawrence Seaway Development Corporation submits a daily report of vessel arrivals to the District Commander, making a separate notice by the vessel to the District Commander unnecessary. Vessels entering the Great Lakes are still required by § 160.207 to give the cognizant COTP of each destination port at least twenty-four hours advance notice of arrival.

Deleting the regulation would eliminate duplicate recordkeeping requirements on the marine industry. The Coast Guard would also recognize a small but significant savings in both manpower and money because it will no longer be necessary to receive notices of arrival from vessels that are already collected by the Saint Lawrence Seaway Development Corporation.

In accordance with 5 U.S.C. 553 a Notice of Proposed Rulemaking was not published for this regulation. In this case, notice and public procedure are unnecessary. The existing rule requires vessels to provide an advance notice of arrival to the Commander of the Ninth Coast Guard District which duplicates the advance notice of arrival given to the Saint Lawrence Seaway Development Corporation. Since the regulation does not serve a useful purpose and promulgation of this rulemaking relieves the public of an unnecessary information reporting requirement, good cause exists for making it effective in less than 30 days from the date of publication.

#### Regulatory Evaluations

This regulation is considered to be non-major under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). Since this rule reduces the information reporting requirements for the marine industry, the economic impact of this rule is so

minimal that further evaluation is unnecessary. Deleting the regulation would eliminate duplicate recordkeeping requirements on the marine industry. The Coast Guard would also recognize a small but significant savings in both manpower and money because it will no longer be necessary to receive notices of arrival already collected by the Saint Lawrence Seaway Development Corporation. Since the impact of this final rule is expected to be minimal, the Coast Guard certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

This final rule reduces the burden on the public by deleting the information reporting requirements of 33 CFR 160.209 in compliance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Persons desiring to comment on the information collection requirements should submit their comments to OMB as indicated under "Addresses".

#### Environmental Impact—Categorical Exclusion

The Coast Guard has considered the environmental impact of this rulemaking and concluded that preparation of an environmental assessment or environmental impact statement is not necessary. This regulatory project has been thoroughly reviewed by the Coast Guard and has been determined to be categorically excluded from further environmental documentation as provided for in 10 CFR 51.22(c)(3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

#### List of Subjects in 33 CFR Part 160

Notifications of arrivals, Departures, Hazardous conditions, and certain dangerous cargoes.

In consideration of the foregoing the Coast Guard is amending Part 160, Subchapter P of Chapter I, Title 33, Code of Federal Regulations, as follows:

#### PART 160—[AMENDED]

1. The authority citation for Part 160 is revised to read as follows:

Authority: 33 U.S.C. 1221; 49 CFR 1.46.

#### § 160.209 [Removed and Reserved]

2. Section 160.209 is removed and reserved.

Dated: December 11, 1987.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety Security and Environmental Protection.

[FR Doc. 87-29208 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL 3299-4]

### Approval and Promulgation of Implementation Plans; State of Kansas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a request from the Kansas Department of Health and Environment which was submitted on March 29, 1986, pertaining to operating and construction permit fees. EPA reviewed these regulations and found that these rules satisfy the requirements of section 110(a)(2)(K) of the Clean Air Act, as amended. This action removes a deficiency in the Kansas SIP.

**DATE:** The effective date of this rulemaking is January 20, 1988.

**ADDRESSES:** Copies of the submittal are available for public inspection at:

Environmental Protection Agency,  
Region VII, 726 Minnesota Avenue,  
Kansas City, Kansas 66101;

Public Information Reference Unit,  
Environmental Protection Agency  
Library, 401 M Street, SW.,  
Washington, DC 20460;

Bureau of Air Quality and Radiation  
Control, Kansas Department of Health  
and Environment, Forbes Field,  
Topeka, Kansas 66620.

**FOR FURTHER INFORMATION CONTACT:**  
Robert J. Chanslor at (913) 236-2893; FTS  
757-2893.

**SUPPLEMENTARY INFORMATION:** On February 25, 1987 (52 FR 5558), EPA published a proposed rulemaking for revised Kansas regulations pertaining to fees for construction and operating permits. These regulations are K.A.R. 28-19-7, *Definitions*; K.A.R. 28-19-8, *Reporting required*; K.A.R. 28-19-9, *Time schedule for compliance*; and K.A.R. 28-19-14, *Permits required*. Also, EPA proposed approval of revisions to K.A.R. 28-19-31, *Emission limitations*, and K.A.R. 28-19-45, *Open burning prohibited*. The revisions and EPA's rationale for approval were discussed in detail in the proposed rulemaking cited above and will not be restated here. No

public comments were received on the proposed rulemaking.

**Action:** EPA approves revisions to K.A.R. 28-19-7, *Definitions*; K.A.R. 28-19-8, *Reporting required*; K.A.R. 28-19-9, *Time schedule for compliance*; K.A.R. 28-19-14, *Permits required*; K.A.R. 28-19-31, *Emission limitations*; and K.A.R. 28-19-45, *Open burning prohibited*.

The Office of Management and Budget has exempted this rulemaking from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Intergovernmental relations, Reporting and recordkeeping requirements, and Incorporation by reference.

**Note.**—Incorporation by reference of the SIP for the state of Kansas was approved by the Director of the Federal Register on July 1, 1982.

Date: September 11, 1987.

Lee M. Thomas,  
Administrator.

### PART 52—[AMENDED]

40 CFR Part 52 is amended as follows:

#### Subpart R—Kansas

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.870 is amended by adding paragraph (c)(19) as follows:

#### § 52.870 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(19) Revised Kansas regulations pertaining to fees for permits to construct and operate were submitted by the Kansas Department of Health and Environment on March 27, 1986.

(i) Incorporation by reference.

(A) Kansas Administrative Regulations (KAR) 28-19-7, 28-19-8, 28-19-9, 28-19-14, 14(a) and 14(b), 28-19-31, 28-19-45, which became effective on May 1, 1986.

(B) Letter of March 27, 1986 to EPA from the State of Kansas Department of Health and Environment.

(C) Letter of September 15, 1987 to EPA from the State of Kansas Department of Health and Environment.

[FR Doc. 87-28099 Filed 12-18-87; 8:45 am]

BILLING CODE 6560-50-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### 45 CFR Part 1100

### Statement for the Guidance of the Public; Organization, Procedures and Availability of Information

**AGENCY:** National Foundation on the Arts and the Humanities.

**ACTION:** Final rule.

**SUMMARY:** The National Foundation on the Arts and the Humanities (NFAH) amends its Freedom of Information Act (FOIA) regulation to incorporate changes effected by the Freedom of Information Reform Act of 1986 and guidelines published by the Office of Management and Budget (OMB) on March 27, 1987, 52 FR 10012. This rule replaces the existing regulation at 45 CFR 1100 which was published in the Federal Register on April 17, 1979 in order to include the Institute of Museum Services which was added to the NFAH pursuant to Pub. L. 97-394 (December 30, 1982) and Pub. L. 98-306 (May 31, 1984).

**EFFECTIVE DATE:** December 21, 1987.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Tracy Joselson, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506 or call (202) 786-0322.

**SUPPLEMENTARY INFORMATION:** The National Foundation on the Arts and the Humanities published a proposed rule to implement the Freedom of Information Reform Act on May 18, 1987, and invited comment. The NFAH received two letters of comment. One comment criticized the proposed rule's definition of "commercial use request" at § 1101.1(b) and stated that requests from public interest groups, labor unions, libraries, and the news media should not be treated as commercial use requests. The National Foundation on the Arts and the Humanities will carefully consider the use made of the requested information as is advised by OMB rather than the identity of the requestor. There is no basis in the statute on which to give preference to one group of requestors over another. The NFAH rejects a presumption that particular requestors fall outside of this definition.

One commenter criticized the proposed rule's definition of "educational institution" at section 1101(e), and

suggested including all entities recognized by the Internal Revenue Service as "organized and operated exclusively for \* \* \* educational purposes, 26 U.S.C. 501(c)(3) within the definition. The NFAH believes this interpretation is too general to provide useful guidance for the imposition of fees under the Freedom of Information Act. The definition in the proposed rule adopted OMB's guidance and was adapted from the Department of Education definition in 20 U.S.C. 1681(c) which is sufficiently broad to permit assessment of fees consistent with the statutory scheme. Therefore, no change is made to the definition of "educational institutional."

One comment requested simpler and less restrictive fee waiver regulations as being more consistent with Congressional intent. Another comment urged rejection of the Department of Justice Fee Waiver Policy Guidance issued on April 12, 1987, suggesting it to be inconsistent with Congressional intent. After carefully considering these comments the final regulation adopts the fee waiver guidance issued by the Department of Justice. The NFAH will carefully review requests under the FOIA to ensure compliance with the statute. The Justice Department represents the Foundation and its member agencies in litigation arising under the FOIA and the NFAH will therefore abide by these standards. The NFAH notes too, that many of these above comments have also been addressed by the Office of Management and Budget.

This rule is not a major rule under Executive Order 12291. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities. This rule does not contain information collection requirements that require approval by the Office of Management and Budget pursuant to 44 U.S.C. 3551. *et seq.*

#### List of Subjects in 45 CFR Part 1100

Administrative practice and procedures, Freedom of Information Act.

For the reasons set out in the preamble, 45 CFR Part 1100 is revised to read as follows:

#### PART 1100—STATEMENT FOR THE GUIDANCE OF THE PUBLIC—ORGANIZATION, PROCEDURE AND AVAILABILITY OF INFORMATION

Sec.

1100.1 Definitions.

1100.2 Organization.

Sec.

1100.3 Availability of information to the public.

1100.4 Current index.

1100.5 Agency procedures for handling request for documents.

1100.6 Fees.

1100.7 Foundation report of actions.

Authority: 5 U.S.C. 552, as amended by Pub. L. 99-570, 100 Stat. 3207.

#### § 1100.1 Definitions.

(a) "Agency" means the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum Services, or the Federal Council on the Arts and the Humanities.

(b) "Commercial use request" means a request by or on behalf of anyone who seeks information for a use or purpose that furthers the commercial trade or profit interests of the requestor (or the person on whose behalf the request is made.) The agency must determine the use to which a requestor will put the document. Where the agency has reasonable cause to doubt the use to which a requestor will put the records sought or the use is not clear from the request, the agency may seek additional clarification. The requestor bears the burden of demonstrating the use or purpose of the information requested.

(c) "Direct costs" means those expenditures which an agency actually incurs in searching for and duplication documents to respond to a Freedom of Information Act (FOIA) request. In the case of commercial use requests, the term shall also include expenditures for reviewing documents.

(d) "Duplication" means the process of making a copy of a document necessary to respond to a FOIA request. Such copies may be in the form of paper, microfilm, machine readable documents, or other materials.

(e) "Educational institution" means a preschool, elementary, or secondary school, an institution of graduate or undergraduate higher education, an institution of professional education, or an institution of vocational education, which operates a program or programs of scholarly research.

(f) "Non-commercial scientific institution" means an institution that is not operated on a "commercial use" basis as defined in paragraph (b) of this section and which is operated solely for the purposes of conducting scientific research the results of which are not intended to promote any particular product or industry.

(g) "Representative of the news media" means any person actively gathering news for an entity that is organized and operated to publish or broadcast information that is about

current events or that would be of current interest to the public. Freelance journalists may be regarded as working for a news organization if they can demonstrate a sound basis for expecting publication though that organization, even though not actually employed by it.

(h) "Review" means the process of examining a document located in response to a commercial use request to determine whether any portion is permitted to be withheld. Review includes processing documents for disclosure, including all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(i) "Search" means all the time that is spent looking for material that responds to a request, including page-by-page or line-by-line identification of material in documents. Searches may be done manually or by computer using existing programs.

#### § 1100.2 Organization.

The National Foundation on the Arts and the Humanities was established by the National Foundation on the Arts and the Humanities Act of 1965, 20 U.S.C. 951 *et seq.* The Foundation is composed of the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum Services, and the Federal Council on the Arts and the Humanities. The Institute of Museum Services became a part of the National Foundation on the Arts and the Humanities pursuant to Pub. L. 97-394 (December 30, 1982) and Pub. L. 98-306 (May 31, 1984). Each Endowment is headed by a Chairman and has an advisory national council composed of 26 presidential appointees. The Institute of Museum Services is headed by a Director and has a National Museum Services Board composed of 15 presidential appointees. The Federal Council on the Arts and the Humanities, comprised of Executive branch officials and appointees of the legislative branch, is authorized to make agreements to indemnify against loss or damage for certain exhibitions and advise on arts and humanities matters.

#### § 1100.3 Availability of information to the public.

(a) All inquiries, or requests should be addressed to the appropriate agency. Descriptive brochures of the organization, programs, and function of each agency are available upon request. Inquiries involving work of the National Endowment for the Arts should be addressed to the National Endowment

for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. The telephone number of the National Endowment for the Arts is (202) 682-5400. Requests or inquiries involving the National Endowment for the Humanities should be addressed to the National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. The telephone number of the National Endowment for the Humanities is (202) 786-0310. Requests or inquiries involving the Institute of Museum Services should be addressed to the Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. The telephone number of the Institute of Museum Services is (202) 786-0538.

(b) The head of each agency is responsible for the effective administration of the Freedom of Information Act. The head of each agency pursuant to this responsibility hereby directs that every effort be expended to facilitate service to the public with respect to the obtaining of information and records.

(c) Requests for access to records of the National Endowment for the Arts, the National Endowment for the Humanities, or the Institute of Museum Services may be filed by mail with the General Counsel of the National Endowment for the Arts, the Deputy Chairman of the National Endowment for the Humanities, or the Public Affairs Officer of the Institute of Museum Services, as is appropriate. Requests for access to records of the Federal Council on the Arts and the Humanities should be directed to the attention of the National Endowment for the Humanities. All requests should reasonably describe the record or records sought. Requests submitted should be clearly identified as being made pursuant to the Freedom of Information Act.

#### § 1100.4 Current index.

Each agency shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated and which is required to be made available pursuant to 5 U.S.C. 552(a) (1) and (2). Publication and distribution of such indices has been determined by the Foundation to be unnecessary and impracticable. The indices will be provided upon request at a cost not to exceed the direct cost of the duplication.

#### § 1100.5 Agency procedures for handling requests for documents.

(a) Upon receiving a request for documents in accordance with the rules of this part, the General Counsel of the National Endowment for the Arts, Deputy Chairman of the National Endowment for the Humanities, or the Public Affairs Officer of the Institute of Museum Services, as is appropriate, shall determine whether or not the request shall be granted in whole or in part.

(1) The determination shall be made within ten (10) days (excepting Saturdays, Sundays, and legal holidays) after receipt of such request.

(2) The requestor shall be notified of the determination and the reasons that support it. When a request is denied in whole or in part, the requestor, will be notified of his or her rights to appeal the determination to the head of the agency.

(b) (1) Any party whose request for documents has been denied in whole or in part may file an appeal no later than ten (10) working days following receipt of the notification of denial. Appeals must be addressed to the Chairman, National Endowment for the Arts, Washington, DC 20506, the Chairman, National Endowment for the Humanities, Washington, DC 20506, or the Director Institute of Museum Services, Washington, DC 20506, as is appropriate.

(2) The head of the agency or his delegatee shall make a determination with respect to the appeal within twenty (20) days (excepting Saturdays, Sundays, and legal holidays) after the agency has received the appeal, except as provided in paragraph (c) of this section. If, on appeal, the denial is upheld either in whole or in part, the head of the agency shall notify the party submitting the appeal of the judicial review provisions of 5 U.S.C. 552(a)(4)(B).

(c) In unusual circumstances, the time limits prescribed to determine a request for documents with respect to initial actions or actions on appeal may be extended by written notice from the General Counsel of the National Endowment for the Arts, the Deputy Chairman of the National Endowment for the Humanities, or the Public Affairs Officer of the Institute of Museum Services as is appropriate. The notice shall describe the reason for the extension and the date on which the determination is expected to be made. No notice shall specify a date that would result in an extension of more than ten (10) days (excepting Saturdays, Sundays, and legal holidays). As is used

in this paragraph, "unusual circumstances" means:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject-matter interest in the request.

#### § 1100.6 Fees.

(a) *Categories of Fees.* Fees will be charged according to the Category of the FOIA request.

(1) *Commercial use requests.* The agency will assess charges to recover the full direct cost of searching for, reviewing, and duplicating the requested document. The agency may recover the cost of searching for and reviewing records even if there is ultimately no disclosure.

(2) *Requests from educational and non-commercial scientific institutions.* The agency will charge for duplication costs. To qualify for this category the requestor must show: (1) That requested records are being sought under the auspices of a qualified institution as defined in § 1100.1 (e) or (f) of this part; (2) the records are not sought for commercial use; and (3) the records are being sought in furtherance of scholarly or scientific research of the institution.

(3) *Requests by representatives of the news media.* The agency will charge duplication costs for the requests in this category.

(4) *All other requests.* All other requests shall be charged fees which, recover the full reasonable cost for searching for and duplicating the requested records.

(b) *General fee schedule.* The agency shall use the most efficient and least costly method to comply with requests for documents made under the FOIA. The agency will charge fees to recover all allowable direct costs incurred. The agency may charge fees for searching for and reviewing requested documents even if the documents are determined to be exempt from disclosure or cannot be located. If search charges are likely to exceed \$25, the agency shall notify the requestor, unless the requestor has indicated in advance the willingness to

pay higher fees. The following fees shall be charged in accordance with paragraph (a) of this section.

(1) *Searches*—(i) *Manual*: The fee charged will be the salary rate(s) (i.e., basic pay plus 16.1 percent) of the employee(s) conducting the search.

(ii) *Computer*: The fee charged will be the actual direct cost of providing the service including the cost of operating the central processing unit for the operating time that is directly attributed to searching for records responsive to a request and the operator/programmer salary apportionable to the search.

(2) *Review*: The fee charged will equal the salary rate(s) (basic pay plus 16.1 percent) of the employee(s) conducting the review.

(3) *Duplication*: Copies of documents photocopied on one-side of a 8½ x 11 inch sheet of paper will be provided at \$.10 per page. Photocopies on two sides of a single 8½ x 11 inch sheet of paper will be provided at \$.20 per page. For duplication of other materials, the charge will be the direct cost of duplication.

(c) *Restrictions on charging fees*. (1) Except for documents provided in response to a commercial use request, the first 100 pages of duplication or the first two (2) hours of search time shall be provided at no charge. For the purposes of this section, two (2) hours of search time by computer entitles the requestor to two (2) hours of computer operator salary translated into computer search costs. Computer search costs consist of operator salary plus central processing unit operating time costs for the duration of the search.

(2) Fees shall not be charged to any requestor, including commercial use requestors, if the cost of collecting a fee would be equal to or greater than the fee itself.

(d) *Waiver or reduction of fees*. (1) Documents shall be furnished without charge or at reduced charge if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor.

(2) The following factors shall be used to determine whether a fee will be waived or reduced:

(i) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";

(ii) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding";

(iv) The significance of the contribution to public understanding: Whether disclosure is likely to contribute "significantly" to public understanding of government operations or activities;

(v) The existence and magnitude of a commercial interest: Whether the requestor has a commercial interest that would be furthered by the disclosure; and if so

(vi) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requestor."

(e) *Assessment and collection of fees*.

(1) Interest will accrue from the date the bill is mailed if the fee is not paid within thirty (30) days. Interest will be assessed at the rate prescribed in 31 U.S.C. 3717.

(2) If the agency reasonably believes that a requestor(s) is making multiple requests to avoid the assessment of fees, the agency may aggregate such requests and charge accordingly.

(3) The agency may request an advance payment of the fee if

(i) The allowable charges are likely to exceed \$250; or

(ii) The requestor has failed previously to pay a fee in a timely fashion.

(4) When the agency requests an advance payment, the time limits prescribed in section (a)(6) of the Freedom of Information Act will begin only after the agency has received full payment.

#### § 1100.7 Foundation report of actions.

On or before March 1 of each calendar year, each member agency of the National Foundation on the Arts and the Humanities shall submit a report of its activities with regard to public information requests during the preceding calendar year to the Speaker of the House of Representatives and to the President of the Senate. The report shall include:

(a) The number of determinations made by each member agency of the National Foundation on the Arts and the Humanities not to comply with requests for records made to the agency under the provisions of this part and the reasons for each such determination;

(b) The number of appeals made by persons under such provision, the result

of such appeals, and the reasons for the action upon each appeal that results in the denial of information;

(c) The names and titles or positions of each person responsible for the denial of records requested under the provisions of this part and the number of instances of participation for each;

(d) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), as amended, including a report of the disciplinary action taken against the officer of employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(e) A copy of every rule made by the Foundation implementing the provisions of the FOIA.

(f) A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(g) Such other information as indicates efforts to administer the provisions of the FOIA, as amended.

Lynne V. Cheney,  
Chairman, National Endowment for the Humanities.

Date: December 14, 1987.

Francis S.M. Hodsoll,  
Chairman, National Endowment for the Arts.

Date: December 14, 1987.

Lois Burke Shepard,  
Director, Institute of Museum Services.

Date: December 14, 1987.

[FR Doc. 87-29063 Filed 12-18-87; 8:45 am]  
BILLING CODE 7537-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 87-131; FCC 87-356]

### Radio Broadcasting Services; Unlimited-time Operation by Existing AM Daytime-Only Radio Broadcast Stations; Discontinuance of Authorization of Additional Daytime-only Stations; and Minimum Power of Class III Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The FCC has amended its Rules to (1) permit unlimited-time operations for existing daytime-only AM radio broadcast stations on the AM regional channels, and on two clear channels: 940kHz and 1550 kHz; (2) discontinue the authorization of new

daytime-only stations; and (3) reduce the generally applicable minimum power of Class III AM radio broadcast stations from 0.5 kW to 0.25 kW. This action is needed to relieve daytime-only stations and the listening public from the disadvantages of limitations on their hours of operation under present rules. The revised rules will make possible unlimited-time operation by qualifying daytime-only stations on the above-noted channels.

**EFFECTIVE DATE:** The rule amendments enter into effect December 1, 1987.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Vicki Assevero or Louis C. Stephens, Policy and Rules Division, Mass Media Bureau, (202) 254-3394.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order* in MM Docket No. 87-131, adopted November 18, 1987, and released December 1, 1987. This *Report and Order* may be consulted and will be available for copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this *Report and Order* may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M St. NW., Washington, DC 20037.

#### Summary of Report and Order

1. Having previously opened the way for unlimited-time operation for most daytime-only AM radio broadcast stations operating on the 14 foreign clear channels, the FCC took similar action for those assigned to the regional AM channels and to 940 kHz and 1550 kHz. Pursuant to the newly adopted rule amendments, the Commission has calculated and informed each qualifying daytime-only station the power, within a range of .001 kW (1 watt) to 0.5 kW, that it may use for broadcasting during nighttime hours with the antenna systems they are licensed to start using at sunrise. The authorized power was set at levels calculated to provide required interference protection to foreign and domestic stations.

2. Daytime-only stations authorized to operate during nighttime hours with power sufficient to enable them to provide a field strength of at least 141 mV/m at 1 kilometer from their transmitters will be reclassified as Class II-B stations if on 940 kHz or 1550 kHz or as Class III if on any of the 41 regional channels.

3. None of the stations permitted to operate during nighttime hours are required to provide interference

protection to each other. They are, however, required to protect: (1) Foreign stations, (2) existing unlimited-time stations, and (3) new and changed unlimited-time stations for which construction permits had been issued or applications tendered no later than December 1, 1987. The reclassified stations may apply, under regular procedures, for nighttime power increases, up to the maximum generally permitted for the class of channel occupied, consistent with requisite protection against interference to other stations.

4. Stations reclassified as Class II-S or III-S are not required to provide the generally required minimum signal to their principal cities nighttime, nor are they required to meet the requirement generally applicable to stations that regularly operate during nighttime hours, that they broadcast at least 4 hours between 6 p.m. and midnight. Stations reclassified as Class II-B, II-C or III are required to meet the latter requirement, but, so long as their nighttime powers were limited to those initially authorized by the Commission, they are exempted from the minimum city signal requirement.

5. Also, the minimum power of stations on regional channels is reduced from 0.5 kW to 0.25 kW. The few Class IV stations assigned to regional channels that already, exceptionally operate at 0.25 kW without interference protection, will then be reclassified as Class III stations, thereafter entitled to protection.

6. Individual stations will be notified of the powers they may use during nighttime hours and the date when nighttime operations may start, in Orders to Show Cause why the station's license should not be modified to permit such operations.

7. Finally, the assignment of additional daytime-only AM stations on 940 kHz, 1550 kHz, and the 41 regional AM channels is discontinued.

8. With reference to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, the revised rules will have a beneficial impact on small daytime-only AM Stations that will be enabled, through more extended hours of operation, to provide enhanced services to the public, and thereby compete more effectively with existing unlimited-time AM and FM stations.

9. The Secretary of the Commission is directed to send a copy of the *Report and Order* in this proceeding to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act.

10. *Paperwork Reduction Act Statement:* The rule changes have been

analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified norm, information, collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

11. Authority for the rule changes is contained in sections. 4(i), 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303, and 307.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.  
Federal Communications Commission.  
William J. Tricarico,  
Secretary.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows.

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. Section 73.21 is amended by adding a new sentence at the end of paragraphs (a)(2)(ii) introductory text and (a)(2)(iv); revising paragraph (a)(2)(v), the first sentence of paragraph (b) introductory text, and paragraph (b)(1); adding new paragraph (b)(3); and revising the Table in Note 4, to read as follows:

#### § 73.21 Classes of AM broadcast channels and stations.

(a) \* \* \*

(2) \* \* \*

(ii) \* \* \* A former Class III-D station operating on 940 or 1550 kHz that is authorized to operate during nighttime hours will be reclassified as Class II-B notwithstanding the fact that its authorized nighttime power is less than 0.25 kW, if its RMS field strength at 1 kilometer is 141 mV/m or higher.

(iv) *Class II-D Stations.* \* \* \* No application will be accepted for new Class II-D (daytime-only) stations on 940 kHz or 1550 kHz.

(v) *Class II-S Stations.* Class II-S stations are former Class II-D stations that have been authorized to operate nighttime on the 14 channels listed in § 73.25(c) or on 940 kHz or 1550 kHz, at powers that are less than 0.25 kW and insufficient to enable their RMS field strength at 1 kilometer to attain the level of 141 mV/m or higher. (Stations on 940 kHz or 1550 kHz whose nighttime power is 0.25 kW or higher, or whose RMS at 1 kilometer is 141 mV/m or higher, shall be classified as Class II-B stations.) Class II-S stations operate without

protection from interference nighttime, but receive protection from interference during the daytime. No Class II-S station shall be authorized with nighttime power less than 0.001 kW (one watt).

(b) *Regional Channel.* A regional channel is one on which several stations may operate with powers set out in (1), (2), and (3) of this paragraph (b).

(1) *Class III Stations.* A station designated as Class III operates on a regional channel, and is designed to render service primarily to a principal center of population and in the rural area contiguous thereto. Except as provided in paragraphs (b)(2) and (b)(3) of this section, a Class III station operates with a power not more than 5 kW, and not less than 0.25 kW unless its RMS field strength at 1 kilometer attains the level of 141 mV/m or higher.

(3) *Class III-S Station.* A Class III-S station is a former daytime-only station that operates on a regional channel with a nighttime power that is less than 0.25 kW and insufficient to enable its RMS field strength at 1 kilometer to attain the level of 141 mV/m or higher. Class III-S stations operate without protection from interference nighttime, but receive protection from interference during the daytime. No Class III-S station shall be authorized with a nighttime power less than 0.001 kW (one watt).

Note 4: \* \* \*

#### INTERNATIONAL AND DOMESTIC CLASSIFICATIONS OF STATIONS AND CHANNELS

International classes of AM stations	Corresponding U.S. classes of AM stations	Classes of Channels available in U.S. for each class of station
Class A.....	I-A I-B I-N	Clear channels. Do. Do.
Class B.....	II-A II-B II-C II-D II-S	Do. Do. Do. Do. Do.
Class C.....	III III-S IV	Regional channels. Do. Local channels.

3. Section 73.24 is amended by revising the second sentence of paragraph (j) of this section to read as follows:

#### § 73.24 Broadcast facilities; showing required.

(j) \* \* \* The following categories of stations need not demonstrate the ability to provide such coverage during nighttime operation: (1) Daytime-only AM stations; and (2) former daytime-only stations that were reclassified as Class II-B or II-S on 940 or 1550 kHz or as Class II-C or II-S on the 14 frequencyis listed in § 74.25(c) or as unlimited-time Class III or III-S stations on regional channels, and have not since been authorized to increase nighttime power.

#### § 73.25 [Amended]

4. Section 73.25 is amended by removing the second sentence from paragraph (c).

5. Section 73.26 is amended by revising the first sentence of paragraph (a) up to the colon, and by adding a new paragraph (c), as follows:

#### § 73.26 Regional channels; Class III stations.

(a) The following frequencies are designated as regional channels and are assigned for use by Class III and Class III-S stations: \* \* \*

(c) No application for new daytime-only stations will be accepted on the channels listed in paragraph (a) of this section.

6. Section 73.29 is revised to read as follows:

#### § 73.29 Class IV stations on regional channels.

No license will be granted for the operations of a Class IV station on a regional channel.

7. Section 73.31 is amended by revising the table in paragraph (a) to read as follows:

#### § 73.31 Rounding of nominal power specified on applications.

(a) \* \* \*

Nominal power (kW)	Rounded down to nearest figure (kW)
Below 0.25.....	0.001
0.25 to 0.99.....	0.01
1 to 9.9.....	0.1
10 to 50.....	1

8. Section 73.99 is amended by adding a new paragraph (l), as follows:

#### § 73.99 Presunrise service authorization (PSRA) and Postsunset service authorization (PSSA).

(l) The authorization of unlimited-time operation by daytime-only stations that are reclassified as Class II-S or Class III-S stations will not affect their right to operate during prescribed presunrise and postsunset hours in accordance with PSRA's and PSSA's issued pursuant to this section.

9. Section 73.182 is amended by revising the second sentence of paragraph (a)(3) up to the semicolon, to read as follows:

#### § 73.182 Engineering standards of allocation.

(a) \* \* \*

(3) \* \* \* They operate with powers not less than 0.25 kW and not more than 5 kW, and are normally protected to the 1500 uV/m groundwave contour nighttime and the 500 uV/m groundwave contour daytime; \* \* \*

10. On the line in the table in § 73.182(s) which starts with the "III" in the first column, the text in the third column that now reads "0.5 kW to 5 kW" is revised to read "0.25 kW to 5 kW".

11. Footnote <sup>2</sup> to the table in § 73.182(s) is revised to read as follows:

<sup>2</sup> For adjacent channel, see paragraph (t) of this section.

12. Immediately preceding the last line of the table in § 73.182(s) an entry is added as follows:

Class of station	Class of channel used	Permissible power	Signal strength contour of area protected from objectionable interference <sup>1</sup>		Permissible interfering signal on same channel <sup>2</sup>	
			Day <sup>3</sup>	Night	Day	Night <sup>4</sup>
III-S.....	do.....	0.25 kW to 5 kW (daytime) less than 0.25 kW nighttime.	500 uV/m.....	Not prescribed.	do.....	Not prescribed

<sup>1</sup> When a station is already limited by interference from other stations to a contour of higher values than that normally protected for its class, this contour shall be the established standard for such station with respect to interference from all other stations.

<sup>2</sup> For adjacent channel, see paragraph (t) of this section.

<sup>3</sup> Groundwave.

<sup>4</sup> Skywave field strength for 10 percent or more of the time.

13. Section 73.1740(a)(1)(i) is revised to read as follows:

**§ 73.1740 Minimum operating schedule.**

(a) \* \* \*

(1) \* \* \*

(i) Daytime-only AM stations and former daytime-only AM stations that have been reclassified as Class II-S or III-S need comply only with the minimum requirements for operation between 6 a.m. and 6 p.m., local time.

14. Section 73.3571 is amended by adding a new paragraph (d)(5), to read as follows:

**§ 73.3571 Processing of AM broadcast station applications.**

\* \* \* \* \*

(d) \* \* \*

(5) The following special procedures will be followed in authorizing Class II-D daytime-only stations on 940 and 1550 kHz, and Class III daytime-only stations on the 41 regional channels listed in § 73.26(a), to operate unlimited-time.

(i) Each eligible daytime-only station in the foregoing categories will receive an Order to Show Cause why its license should not be modified to specify

operation during nighttime hours with the facilities it is licensed to start using at local sunrise, using the power stated in the Order to Show Cause, that the Commission finds is the highest nighttime level—not exceeding 0.5 kW—at which the station could operate without causing prohibited interference to other domestic or foreign stations, or to co-channel or adjacent channel stations for which pending applications were filed before December 1, 1987.

(ii) Stations accepting such modification shall be reclassified. Those authorized in such Show Cause Orders to operate during nighttime hours with a power of 0.25 kW or more, or with a power that, although less than 0.25 kW, is sufficient to enable them to attain RMS field strengths of 141 mV/m or more at 1 kilometer, shall be redesignated as Class II-B stations if they are assigned to 940 or 1550 kHz, and as unlimited-time Class III stations if they are assigned to regional channels.

(iii) Stations accepting such modification that are authorized to operate during nighttime hours at powers less than 0.25 kW, and that cannot with such powers attain RMS

field strengths of 141 mV/m or more at 1 kilometer, shall be redesignated as Class II-S stations if they are assigned to 940 or 1550 kHz, and as Class III-S stations if they are assigned to regional channels.

(iv) Applications for new stations may be filed at any time on 940 and 1550 kHz and on the regional channels. Also, stations assigned to 940 or 1550 kHz, or to the regional channels, may at any time, regardless of their classifications, apply for power increases up to the maximum generally permitted. Such applications for new or changed facilities will be granted without taking into account interference caused to Class II-S or Class III-S stations, but will be required to show interference protection to other classes of stations, including stations that were previously classified as Class II-S or Class III-S, but were later reclassified as Class II-B or Class III unlimited-time stations as a result of subsequent facilities modifications that permitted power increases qualifying them to discontinue their "S" subclassification.

\* \* \* \* \*

[FR Doc. 87-29049 Filed 12-18-87; 8:45 am]

BILLING CODE 6712-01-M

# Proposed Rules

Federal Register

Vol. 52, No. 244

Monday, December 21, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 318

[Docket No. 87-150]

#### Sharwil Avocados to Alaska

**AGENCY:** Animal and Plant Health Inspection Services, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We propose to amend the "Hawaiian Fruits and Vegetables" regulations to allow movement of Sharwil avocados, under a limited permit, from Hawaii to Alaska. Our proposal would:

- a. Delete the "at least 0.5 centimeter" length requirement for attached stems.
- b. Delete the current requirement that there be "no Trifly host material within 100 feet of the packing facility."

The interstate movement of avocados from Hawaii must be regulated to prevent spread of the Mediterranean fruit fly, the melon fly, and the Oriental fruit fly. It appears, however, that the Sharwil variety of avocado will not be a host to these fruit flies when harvested and handled in compliance with our proposed amendment to the "limited movement to Alaska" requirements.

**DATES:** Consideration will be given only to comments postmarked or received on or before January 5, 1988.

**ADDRESSES:** Send original and two copies of written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6506 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 87-150. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. L.H. Tengan, Staff Officer, Program Planning Staff, PPQ, APHIS, USDA,

Room 643, Federal Building, 6506 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

#### SUPPLEMENTARY INFORMATION:

##### Background

The "Hawaiian Fruits and Vegetables" regulations (contained in 7 CFR 318.13 *et seq.*, and referred to below as the regulations), among other things, regulate the interstate movement from Hawaii of avocados in a raw or unprocessed state. Regulation is necessary to prevent spread of the Mediterranean fruit fly (*Ceratitis capitata* (Wied.)); the melon fly (*Dacus cucurbitae* (Coq.)); and the Oriental fruit fly (*Dacus dorsalis* (Heldel)). These fruit flies, commonly referred to as "Trifly," infest Hawaii, but do not occur in the other 49 states.

We proposed to certify Hawaiian Sharwil avocados for movement to Alaska after Department research<sup>1</sup> established that Sharwil avocados with attached stems are not hosts of Trifly for at least 24 hours after being picked from a tree (the fruit cannot have fallen to the ground). The rulemaking was finalized in a document published in the **Federal Register** (52 FR 8863-8865, Docket Number 87-003) on March 20, 1987. The new regulation not only established stringent requirements to ensure that Sharwil avocados are picked and packed in cartons impervious to Trifly within the 24-hour safe period, but also prohibited interstate movement of Sharwil avocados from Alaska to other states. (Alaska is safe from infestation because Trifly cannot survive that state's cold winters.)

##### Stem Size

The regulations authorize movement of Sharwil avocados only if the stem is attached. This requirement (which would not be changed by this proposal) assures that the fruit has been picked from the tree, while in a mature green stage, when the firmness of the fruit renders it unattractive and virtually impervious to Trifly. Ripe avocados have no stems because the soft fruit falls to the ground, leaving the stems attached to the branches.

<sup>1</sup> Documents concerning this research may be obtained from Mr. L.H. Tengan, Staff Officer, Program Planning Staff, PPQ, APHIS, USDA, Room 643, Federal Building, 6506 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

The current "attached stem" provisions, in § 318.13-4g(a) and (c), require that Sharwil avocados have an attached stem at least 0.5 centimeter in length. However, the traditional Hawaiian avocado harvesting practice of flush cutting leaves an attached stem 0.5 centimeter or less in length. If stems are not cut flush to the fruit, they will protrude and can puncture and tear other fruit during handling and packing, seriously reducing marketability. Since any length of attached stem is enough to ensure freedom from Trifly infestation during the initial 24 hours after a Sharwil avocado is picked, we are proposing to revise the "attached stem" requirement in the regulations to delete the requirement as to its length.

##### 100 Foot Requirement

Current paragraph (d)(1) of § 318.13-4g requires that there be "no Trifly host material within 100 feet of the packing facility." This requirement was originally proposed to ensure that no Trifly populations would become established close enough to the packing facility to present a significant threat of the flies invading the facility and infesting Sharwil avocados before they could be packed. Experience and continuing research have revealed, however, that this "100 foot" requirement is unnecessary.

Even if an active Trifly infestation existed within 100 feet of the facility, the flies would be unable to get into the packing facility. This is because the packing facility requirements that were included in the March 20, 1987, amendment to the regulations have proven effective and enforceable:

a. Current § 318.12-4g(d)(2) requires that the packing facility be maintained free of Trifly.

b. Current § 318.13-4g(d)(1) requires that the packing facility be maintained free of all Trifly host material.

c. Current § 318.13-4g(d)(3) requires that all doors and other openings to the packing facility are maintained under conditions determined by an inspector as adequate to prevent the entry of Trifly.

Finally, additional research has been performed, clearly establishing that Triflies will not infest even the most severely damaged green Sharwil avocado during the initial 24 hours after the fruit is picked.

### Additional Research

Our initial "limited movement to Alaska" proposal was based on a combination of laboratory and field studies. One in particular involved the inspection, by Department entomologists, of the 38,241 Sharwil avocados picked during Hawaii's January-March 1985 harvesting season. The inspections were performed within the 24-hour post-picking "safe" period, after each avocado reached the packing house. No Trifly eggs or larvae were found.

We continued this procedure through the 1986 and 1987 harvesting seasons, until the total number of harvested Sharwil avocados subjected to pre-packing inspection totaled 114,112 avocados. Particular attention was given to avocados with surface damage, including sunburn, abrasions, and other wounds and mechanical injuries. Again, no Trifly eggs or larvae were found—even when severely damaged avocados were exposed to Trifly after the fruit had been moved to a laboratory.

We believe that this research provides the last piece of evidence needed to demonstrate that the "100 foot" requirement is unnecessary and can be deleted without increasing the risk of spreading Trifly to the United States mainland.

### Footnote

Current § 318.13-4g(d)(1) includes a statement in parentheses, informing readers that a list of Trifly host material will be attached to compliance agreements with packers, may be obtained from Plant Protection and Quarantine offices in Hawaii, and may be obtained by writing the Deputy Administrator in Hyattsville, Md.

Under our proposal, the substance of this statement would remain the same, but it would be reformatted as proposed footnote "2" to § 318.13-4g(d)(1). The purpose of this proposed change is to maintain consistency in our treatment of this type of informational statement in our Title 7 regulations.

### Miscellaneous

This document would also make certain nonsubstantive changes in the regulations for the purposes of clarity.

### Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule

would have an effect on the economy of less than \$100 million; would not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

We do not believe that the two changes that we are proposing will affect the marketing of Hawaiian Sharwil avocados moved for sale in Alaska. There is no reason to believe that, because of this amendment, the number of avocados that would be moved to Alaska from Hawaii would increase or decrease.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

### Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

### Comment Period

Donald L. Houston, Administrator of the Animal and Plant Health Inspection Service, has determined that this rulemaking proceeding should be expedited by allowing a 15-day comment period on the proposal. Only one person has expressed an interest in exporting Sharwil avocados from Hawaii to Alaska. The harvesting period for his avocados will begin soon. To qualify for movement to Alaska, under both the current and proposed regulations, the avocados must be picked before they begin to ripen on the tree. Thus, a longer comment period could cause substantial economic losses for this person.

### List of Subjects in 7 CFR Part 318

Agricultural commodities, Avocados,

Fruit, Guam, Hawaii, Plant diseases, Plant pests, Plants (agriculture), Puerto Rico, Quarantine, Transportation, Virgin Islands.

Accordingly, it is proposed to amend 7 CFR Part 318 as follows:

### PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

1. The authority citation for 7CFR Part 318 would continue to read as follows:

Authority: U.S.C. 150dd, 150ee, 150ff, 151-167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 318.13-4g, paragraph (a) would be amended by removing "which is at least 0.5 centimeter in length".

3. In § 318.13-4g, paragraph (c) would be amended by removing "at least 0.5 centimeter in length".

4. In § 318.13-4g, paragraph (d)(1) would be revised and a new footnote 2 would be added as follows:

**§ 318.13-4g Administrative instructions specifying conditions for limited permits for Sharwil avocados for movement to Alaska based on certain harvesting and handling provisions.**

(d) \* \* \*

(1) The packing facility is maintained free of all Trifly host material,<sup>2</sup> other than Sharwil avocados packed in accordance with the provisions of paragraph (e) of this section.

### § 318.13-5 [Amended]

5. In § 318.13-5, footnote "1", and the reference to the footnote, would be redesignated as "3".

### § 318.13-13 [Amended]

6. In § 318.13-13, footnotes "2" and "3", and the references to the footnotes, would be redesignated as "4" and "5", respectively.

Done in Washington, DC, this 16th day of December 1987.

Donald Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87-29205 Filed 12-18-87; 8:45 am]

BILLING CODE 3410-34-M

<sup>2</sup> A list of Trifly host material will be attached to each compliance agreement with a packer. This list may also be obtained from Plant Protection and Quarantine offices in Hawaii (listed in telephone directories) or by writing National Programs, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

[Docket No. 87-CE-29-AD]

**Airworthiness Directives; SIAI-Marchetti S.p.A., Models F260, F260B, F260C, and F260D Airplanes****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Extension of NPRM comment period.

**SUMMARY:** This action extends the comment period of the subject NPRM which proposes inspection or modification of the main wing spar of SIAI-Marchetti S.p.A., Models F260, F260B, F260C, and F260D airplanes to preclude structural failure.

**DATES:** Extends comment period of Docket No. 87-CE-29-AD to January 30, 1988.

**FOR FURTHER INFORMATION CONTACT:**

Mr. M. Dearing, Brussels Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30, extension 2710; or Mr. J. P. Dow, Sr., FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

**SUPPLEMENTARY INFORMATION:** The FAA issued an NPRM on September 17, 1987, applicable to SIAI-Marchetti S.p.A., Models F260, F260B, F260C, and F260D airplanes, which was published in the *Federal Register* on October 1, 1987 (52 FR 36787). This Notice would require initial and recurrent visual or dye penetrant inspections of the main wing spar to detect cracks, and if cracks are found, modification of the main wing spar. This action would prevent undetected crack growth in this area.

Subsequent to December 1, 1987, which was the closing date for comments on this NPRM, a telegraphic request was received from Fox 51 Ltd., the United States representative for SIAI-Marchetti S.p.A., to reopen the comment period to allow sufficient time to comment on the proposed rule. This representative stated he had also received notification from owners of the airplanes that they too desire to comment on the NPRM, but were unable to do so before the comment period closed. Accordingly, the FAA believes it is in the public interest to reopen and extend the comment period in order to allow any comments deemed necessary.

This document involves only an extension of a comment period for a

proposed regulation. Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A regulatory evaluation has not been prepared for this action as the anticipated impact is so minimal.

**List of Subjects in 14 CFR Part 39**

Air Transportation, Aviation safety, Aircraft, Safety.

**Adoption of Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR by revising the effective date of the comment period for Docket No. 87-CE29-AD as follows:

**PART 39—[AMENDED]**

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85.

**§ 39.13 [Amended]**

2. By adding the following new date for comment:

*Dates:* Comments must be received on or before January 30, 1988.

Issued in Kansas City, Missouri on December 9, 1987.

Paul K. Bohr,

Director, Central Region.

[FR Doc. 87-29148 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Parts 71 and 73****[Airspace Docket No. 87-ASO-9]****Proposed Alteration of Restricted Areas, Cape Canaveral, FL****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to consolidate, redesignate and simplify the restricted airspace associated with the Kennedy Space Center. The proposals would simplify charting by consolidating and reducing the total number of restricted areas from ten to five. The proposals would also change the time of designation of each area to better reflect actual use and change the published locations of the areas from "Cape Kennedy" to "Cape Canaveral" to reflect earlier congressional action. In addition, the Continental Control Area

would be amended to incorporate these changes. These proposed alterations resulted from recommendations made during an FAA conducted on-site review of special use airspace associated with the Kennedy Space Center.

**DATES:** Comments must be received on or before February 1, 1988.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 87-ASO-9, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:**

Paul Gallant, Airspace Branch (ATO-240), Airspace Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9253.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the proposals. Send comments on environmental and land use aspects to: Headquarters, AFSC/DEM.V, Andrews AFB, MD 20334-5000 telephone: (301) 981-2663.

Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASO-9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will

be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

#### The Proposals

The FAA is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to consolidate, redesignate and simplify the restricted areas associated with Cape Canaveral and the Kennedy Space Center, FL. The proposal would reconfigure existing Restricted Areas R-2921, R-2922, R-2923, R-2924, R-2925, R-2926, R-2927, R-2928 and R-2930. These areas are used during space shuttle launches and recoveries as well as various other missile operations at the Kennedy Space Center. The proposals would reduce the total number of restricted areas from ten to five and reduce the volume of restricted airspace associated with the existing R-2927 by raising the floor of the area 3,000 feet and moving the boundaries of the existing R-2924 and R-2925 to the north approximately one-half mile. Additional restricted airspace would be designated above and below the existing R-2921 and R-2922. Restricted Areas R-2923, R-2924, R-2925 and the eastern part of R-2926 would be consolidated into two congruent restricted areas to be designated R-2932 and R-2933. R-2932 will extend from the surface to but not including 5,000 feet above mean sea level (MSL), with a time of use of "continuous." R-2933 will extend from 5,000 feet MSL to unlimited, with a time of use of "intermittent by NOTAM." R-2931 will be excluded from R-2932 and R-2933 in the same manner that it is now excluded from the current R-2924 and R-2925.

The southern boundary of the proposed areas R-2932 and R-2933 would be relocated 30 seconds of latitude north of the existing boundary of R-2924 and R-2925. This action would be taken in order to move the areas clear of private buildings located on the north side of Port Canaveral. The new boundary would be completely over Government-owned land.

Present Restricted Areas R-2921, R-2922, R-2926, part of R-2926 and additional airspace above and below the present R-2921 and R-2922 will be consolidated into a single area and designated as R-2934. R-2934 would extend from the surface to unlimited with a time of use of "intermittent by NOTAM." The same portion of airspace overlying private property which is now excluded from the existing R-2926 would also be excluded from the new area R-2934.

The existing Restricted Area R-2930, plus that part R-2927 at and above 11,000 feet MSL, and the narrow section of airspace between the south side of R-2927 and R-2930 would be consolidated into a single designated R-2935. The base of the new area, R-2935, would be 11,000 feet MSL. This new area, R-2935, would extend from 11,000 feet MSL, continuing above the present FL 180 upper limit of the existing R-2927 to unlimited. The time of use for R-2935 would be "intermittent by NOTAM."

This proposal would also correct the location listed for the above areas, including R-2931, to read Cape Canaveral, FL, vice Cape Kennedy, FL. The Continental Control Area would also be amended to reflect these changes.

These changes would simplify charting, enable more efficient use of airspace and enhance safety through aligning the areas to provide better compatibility of airspace activation consistent with the FAR Part 91.102 Space Flight Operations Area established for the Kennedy Space Center. Sections 71.151 and 73.29 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The FA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory

evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control areas, Restricted areas.

#### The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

##### § 71.151 [Amended]

2. § 71.151 is amended as follows:

R-2921 Cape Kennedy, FL [Remove]  
R-2922 Cape Kennedy, FL [Remove]  
R-2925 Cape Kennedy, FL [Remove]  
R-2926 Cape Kennedy, FL [Remove]  
R-2927 Cape Kennedy, FL [Remove]  
R-2928 Cape Kennedy, FL [Remove]  
R-2930 Cape Kennedy, FL [Remove]  
R-2931 Cape Kennedy, FL [Remove]  
R-2931 Cape Canaveral, FL [New]  
R-2933 Cape Canaveral, FL [New]  
R-2934 Cape Canaveral, FL [New]  
R-2935 Cape Canaveral, FL [New]

#### PART 73—SPECIAL USE AIRSPACE

3. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

##### § 73.29 [Amended]

4. § 73.29 is amended as follows:

**R-2921 Cape Kennedy, FL [Remove]****R-2922 Cape Kennedy, FL [Remove]****R-2923 Cape Kennedy, FL [Remove]****R-2924 Cape Kennedy, FL [Remove]****R-2925 Cape Kennedy, FL [Remove]****R-2926 Cape Kennedy, FL [Remove]****R-2927 Cape Kennedy, FL [Remove]****R-2928 Cape Kennedy, FL [Remove]****R-2930 Cape Kennedy, FL [Remove]****R-2931 Cape Kennedy, FL [Amended]**

In the title, by removing the words "Cape Kennedy" and substituting the words "Cape Canaveral."

**R-2932 Cape Canaveral, FL [New]**

Boundaries. Beginning at lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°41'40" N., long. 80°35'00" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°25'00" N., long. 80°30'30" W.; to lat. 28°25'00" N., long. 80°38'00" W.; to lat. 28°34'00" N., long. 80°39'30" W.; to the point of beginning, excluding the area within a 2-statute-mile radius circle centered at lat. 28°27'54" N., long. 80°32'07" W.

*Designated altitudes.* Surface to but not including 5,000 feet MSL.

*Times of use.* Continuous.

*Controlling agency.* FAA, Miami ARTCC.

*Using agency.* U.S. Air Force, Eastern Space and Missile Center/ROS, Cape Canaveral AFS, FL.

**R-2933 Cape Canaveral, FL [New]**

Boundaries. Beginning at lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°41'40" N., long. 80°35'00" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°25'00" N., long. 80°30'30" W.; to lat. 28°25'00" N., long. 80°38'00" W.; to lat. 28°34'00" N., long. 80°39'30" W.; to the point of beginning, excluding the area within a 2-statute-mile radius circle centered at lat. 28°27'54" N., long. 80°32'07" W.; from 5,000 feet MSL to and including 15,000 feet MSL.

*Designated altitudes.* 5,000 feet MSL to unlimited.

*Times of use.* Intermittent, activated by NOTAM normally 24 hours in advance.

*Controlling agency.* FAA, Miami ARTCC.

*Using agency.* U.S. Air Force, Eastern Space and Missile Center/ROS, Cape Canaveral AFS, FL.

**R-2934 Cape Canaveral, FL [New]**

Boundaries. Beginning at lat. 28°49'10" N., long. 80°50'45" W.; to lat. 28°51'15" N., long. 80°47'15" W.; to lat. 28°51'15" N., long. 80°42'20" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°41'40" N., long. 80°35'00" W.; to lat. 28°39'20" N., long. 80°42'40" W.; to lat. 28°34'00" N., long. 80°39'30" W.; to lat. 28°25'00" N., long. 80°38'00" W.; to lat. 28°25'00" N., long. 80°41'45" W.; to lat. 28°31'20" N., long. 80°43'50" W.; to lat. 28°38'00" N., long. 80°47'02" W.; to the point of beginning, excluding that airspace below 1,200 feet AGL west of a line from lat. 28°31'20" N., long. 80°43'50" W.; to lat. 28°28'40" N., long. 80°40'30" W.; to lat. 28°25'00" N., long. 80°40'30" W.

*Designated altitudes.* Surface to unlimited.

*Times of use.* Intermittent, activated by NOTAM normally 24 hours in advance.

*Controlling agency.* FAA, Miami ARTCC.

*Using agency.* U.S. Air Force, Eastern Space and Missile Center/ROS, Cape Canaveral AFB, FL.

**R-2935 Cape Canaveral, FL [New]**

Boundaries. Beginning at lat. 28°47'20" N., long. 81°05'00" W.; to lat. 28°58'00" N., long. 80°47'00" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°51'15" N., long. 80°42'20" W.; to lat. 28°51'15" N., long. 80°47'15" W.; to lat. 28°49'10" N., long. 80°50'45" W.; to lat. 28°38'00" N., long. 80°47'02" W.; to lat. 28°31'20" N., long. 80°43'50" W.; to lat. 28°25'00" N., long. 80°41'45" W.; to lat. 28°25'00" N., long. 80°30'30" W.; thence 3 nautical miles from and parallel to the shoreline; to lat. 28°19'00" N., long. 80°33'30" W.; to lat. 28°19'00" N., long. 80°46'30" W.; to the point of beginning.

*Designated altitudes.* 11,000 feet MSL to unlimited.

*Times of use.* Intermittent, activated by NOTAM normally 24 hours in advance.

*Controlling agency.* FAA, Miami ARTCC.

*Using agency.* U.S. Air Force, Eastern Space and Missile Center/ROS, Cape Canaveral AFS, FL.

Issued in Washington, DC., on December 10, 1987.

**Daniel J. Peterson,**

*Manager, Airspace-Rules and Aeronautical Information Division.*

[FR Doc. 87-29149 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

**FEDERAL TRADE COMMISSION****16 CFR Part 13**

[Docket No. 9149]

**Public Comment Period; Ogilvy & Mather International, Inc.**

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of period for public comment on petition to reopen and modify the order.

**SUMMARY:** Ogilvy Group, Inc. (formerly named Ogilvy & Mather International, Inc.), a corporate respondent in the order in Docket No. 9149, has petitioned the Federal Trade Commission to modify in certain respects a 1983 consent order against Ogilvy & Mather International, Inc., concerning the misrepresentation of drug products. This document announces the public comment period on the petition.

**DATE:** Deadline for filing comments in this matter is January 13, 1988.

**ADDRESS:** Comments should be sent to the Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580. Requests for

copies of the request should be sent to the Public Reference Branch, Room 130.

**FOR FURTHER INFORMATION CONTACT:**

Terrence J. Boyle, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326-3016.

**SUPPLEMENTARY INFORMATION:** The order against Ogilvy & Mather International, Inc. in Docket No. 9149 was published at 48 FR 2316 on January 19, 1983. The petitioner, Ogilvy Group, Inc., successor to Ogilvy & Mather International, is an advertising agency. The order prohibits Ogilvy & Mather International from employing any trade name for any drug which represents that such drug contains an active ingredient which it does not contain or does not contain in therapeutically significant quantities; from misrepresenting that any such drug is new or involves a new mechanical or scientific principle; from misrepresenting any test or study concerning any drug product; and certain other representations without substantiation. The petition to modify was placed on the public record on December 14, 1987.

**List of Subjects in 16 CFR Part 13**

Drugs.

Emily H. Rock,

*Secretary.*

[FR Doc. 87-29154 Filed 12-18-87; 8:45 am]

BILLING CODE 6750-01-W

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistant Secretary for Housing-Federal Housing Commissioner**

**24 CFR Part 236**

[Docket No. R-87-1349; FR-1997]

**State Agency Amendments—Prohibited Lease Terms**

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would prohibit the use of specific lease provisions in projects financed by State housing agencies. This proposal would implement a statutory provision (section 202(b) (3) of the Housing and Community Development Amendments of 1978) that requires HUD to assure that leases used in connection with certain multifamily projects with mortgages covered by HUD insurance or non-insured State-agency projects assisted

under Section 236 of the National Housing Act do not contain unreasonable terms and conditions. The prohibitions contained in this rule were made applicable to other HUD housing programs by earlier rulemakings.

**DATES:** Comments must be received by: February 19, 1988.

**ADDRESSES:** Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Room 6182, 451 Seventh Street, SW., Washington, DC 20410. Telephone number (202) 426-3970. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Section 202(b) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1b(b)) (1978 Amendments) requires the Secretary to assure that "leases approved by the Secretary \* \* \* do not contain unreasonable terms and conditions." (While HUD does not approve the form of lease used by non-insured State-agency projects, the State agency, which is the contract administrator on behalf of the Secretary, does approve the lease.) Section 202(b) applies to multifamily housing projects assisted under section 236 or section 221(d) (3) (BMIR) of the National Housing Act, or under section 101 of the Housing and Urban Development Act of 1965 (Rent Supplement). In addition, the provision applies to projects which were assisted under any of these programs before being acquired by the Secretary and sold subject to a Secretary-held or insured mortgage and subject to an agreement (in effect while receiving Troubled Projects Operating Subsidy under section 201 of the 1978 Act) which provides that the low-and moderate-income character of the projects will be maintained.

The Department issued a final rule on September 23, 1983 (effective October 23, 1983) that set forth specific provisions that could not be included in a lease used in a project assisted under any of these three authorities. Additionally, the rule advised that HUD would require landlords to use the

model lease, as set out in HUD Handbook 4350.3, *Occupancy Requirements of Subsidized Multifamily Housing Programs*. The Handbook requires HUD approval of any variations of the model lease; it also provides that leases containing any of the prohibited provisions will not be approved. The final rule of September 23, 1983 also explained that HUD would require landlords to use the model lease because.

Use of [the] model lease enables the Department to discharge more efficiently its responsibility to monitor the operation of affected projects for compliance with section 202(b) (3) of the 1978 Act. However, use of the model lease does not preclude landlords from making changes thereto (not including the prohibited provisions enumerated in this rule), provided written approval for the changes is first obtained from the Department. In this regard, HUD will consider revisions proposed to bring the model lease into compliance with State or local law and with property management practices generally accepted in the project's market area. (48 FR 43310, 43312)

HUD also advised that the September 23, 1983 final rule was not being made applicable to State-assisted uninsured section 236 projects. The Department discussed at length in that rule its reasons for not extending the coverage of section 202 of the 1978 Amendments to projects financed and supervised by State agencies. See 48 FR at 43312. The principal reasons advanced by the Department for not extending coverage of section 202 to State-assisted section 236 projects were "the lack of clear congressional intent on this point" and the fact that "the Department's proposed authorization legislation submitted in both 1982 included a proposal to remove uninsured, State-assisted projects from the coverage of section 201, which would also have the effect of removing such projects from [the] coverage of section 202." *Id.* The rule concluded with the advisory, however, that "if the Department's legislative proposal is rejected by the Senate or in conference, the Department will propose an extension of this rule to cover such projects." *Id.* The Department's proposal was rejected, and today's proposed rule would make the prohibited lease terms policy applicable to State-assisted uninsured section 236 projects.

#### Findings and Certifications

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant

Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

This rule would not constitute a "major rule" as that term is defined in section 1(d) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it would not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule merely sets forth prohibited legal practices.

This rule is listed as Item No. 951 in the Department's Semiannual Agenda of Regulations published on October 26, 1987 (52 FR 40374) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 14.103 and 14.149.

#### List of Subjects in 24 CFR Part 236

Low and moderate income housing, Mortgage insurance, Rent subsidies, Taxes, Utilities, Projects.

Accordingly, the Department would amend 24 CFR Part 236 as follows:

#### PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

1. The authority citation for Part 236 would continue to read as follows:

Authority: Secs. 211 and 236, National Housing Act (12 U.S.C. 1715b, 1715z-1); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In § 236.75, paragraphs (a) and (b) introductory text would be revised to read as follows:

#### § 236.75 Form of lease and occupancy agreement.

(a) In the case of a HUD-insured project, a tenant or cooperative member

who is to pay less than the fair market rental shall be acquired to execute a lease or occupancy agreement, as appropriate, that must be in a form approved by the Commissioner and that does not contain any of the lease clauses prohibited under paragraph (b) of this section. In the case of a non-insured State-agency project, the lease approved by the State agency also cannot contain any of the prohibited lease clauses set forth in paragraph (b) of this section.

(b) In addition to prohibiting the inclusion of lease clauses of the nature described below in new leases or occupancy agreements covered by paragraph (a) of this section, such clauses shall be deleted from existing leases and occupancy agreements either by amendment to the leases or occupancy agreements or by execution of a new lease or occupancy agreement.

Dated: November 19, 1987.

Thomas T. Demery,

*Assistant Secretary for Housing-Federal Housing Commissioner.*

[FR Doc. 87-29166 Filed 12-18-87; 8:45 am]

BILLING CODE 4210-27-M

## 24 CFR Part 888

[Docket No. N-87-1751; FR-2423]

### Section 8 Housing Assistance Payments Program; Fair Market Rents for New Construction and Substantial Rehabilitation—Detroit, MI; Special Revision

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Proposed Fair Market Rents.

**SUMMARY:** Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to establish Fair Market Rents (FMRs) periodically, but not less frequently than annually. This document proposes to amend the Fiscal Year 1986 Fair Market Rent Schedule to establish new Fair Market Rents for the Detroit market area in the State of Michigan. These rents are necessary to provide fair market rents comparable to market rents for new construction in this market area.

**DATES:** Comment Due Date: January 20, 1988.

**ADDRESSES:** Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the

above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Insured Multifamily Housing Development, 451 Seventh Street SW., Washington, DC 20410-0500, telephone (202) 426-7624. (This is not a toll-free number.)

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (the Act) authorizes a system of housing assistance payments to aid lower income families in renting decent, safe, and sanitary housing. These programs, known collectively as the Section 8 Housing Assistance Payments Program, provide assistance payments for lower income families for a variety of housing options, including new construction and substantial rehabilitation.

Under these programs, HUD or public housing agencies (PHAs) make rental assistance payments on behalf of eligible families to owners. When families lease an eligible unit, the housing assistance payment is made and is based upon the difference between the total housing expense and the total family contribution. Initial contract rents, plus an allowance for utilities generally may not exceed area-wide Fair Market Rents (FMRs) established by the Department. FMRs are based primarily on the level of rentals paid for recently completed or newly constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. In addition, for the Fair Market Rents most recently promulgated by the Department (see the August 7, 1986 *Federal Register*, 51 FR 28486), these rents reflected the Department's cost containment efforts in relation to housing assistance provided in the Section 8 New Construction and Substantial Rehabilitation Programs.

##### This Document

This document proposes a special revision to the entire Fiscal Year 1986 Fair Market Rent applicable to the Detroit, Michigan market area. The 1986 FMRs reflected data submitted by the Detroit Office, as well as the cost containment efforts implemented for all 1986 New Construction and Substantial Rehabilitation Rents. While the data submitted by the field office was proper, it reflected comparables all built during the 1970s because there has been no

construction of modestly designed rental housing in Detroit for the past several years. (Moreover, the Detroit market area experienced an economic decline during 1983 and 1984.) HUD's procedures, which are consistent with sound appraisal practices, permit the use of such comparables, which are then adjusted for all variables, including age. Further, where comparables do not exist, HUD procedures permit the use of an interpolation technique to arrive at indicated FMRs. Although the use of interpolation and adjustments to establish rents are sound principles and techniques, the best data for "market rents" would be that from recently constructed projects, as it would necessarily reflect current conditions in the marketplace with respect to financing, vacancy rates, etc., and would provide a degree of assurance that rents so derived should be adequate to support new projects, all factors being equal.

The HUD Field Office has requested that the Department propose new rents for the Detroit market area. Careful analysis of this request and reanalysis of the 1986 FMRs for this market area indicate that the rents resulting from the application on the aforementioned techniques, when modified to reflect the Department's cost containment policies, are not adequate, even when it is clear that there has been compliance with the Department's cost containment guidelines with respect to project design. Therefore, an upward adjustment of the 1986 FMRs for this market area is needed. Accordingly, the Department is proposing a revision of the entire 1986 schedule applicable to the Detroit market area. It is intended that when this schedule is published for effect, its applicability will be the same as set forth in the preamble to the original Fiscal Year 1986 schedule, published on August 7, 1986, at 51 FR 28486.

##### Other Information

HUD regulations in 24 CFR Part 50, implementing section 102(2)(c) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the FMRs proposed in this Notice are within the exclusion set forth in § 50.20(1), no environmental assessment is required, and no environmental finding has been prepared.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this Notice are 14.156, Lower Income Housing Assistance Program (Section 8).

Accordingly, the following amendment to the 1986 Fair Market Rent schedule is proposed for the Detroit, Michigan market area:

**SCHEDULE A.—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION**

(Including Housing Finance and Development Agencies' Programs)

(Region 5—Detroit office market: Detroit)

Structure type	Number of bedrooms				
	0	1	2	3	4+
Detached.....			703	774	901
Semi-Detached/ Row.....	434	470	576	673	777
Walkup.....	362	448	524	620	719
Elevator 2-4 STY.....	387	473	549		
Elevator 5+ STY.....	396	486	631		

Dated: December 10, 1987.

Thomas T. Demery,

Assistant Secretary for Housing-Federal  
Housing Commissioner.

[FR Doc. 87-29165 Filed 12-18-87; 8:45 am]

BILLING CODE 4210-27-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[Notice No. 650; Ref: Notice No. 639]

#### Wild Horse Valley Viticultural Area

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Reopening of comment period.

**SUMMARY:** This notice reopens the comment period for Notice No. 639 (52 FR 34924, September 16, 1987). Notice No. 639 proposed establishment of a viticultural area in Napa and Solano Counties to be known as Wild Horse Valley. The comment period is being reopened for thirty days as a result of a request made by Mr. Ken Volk, President of Santa Lucia Winery Inc., owner of a bonded winery located in Templeton, California. Santa Lucia Winery Inc. is concerned about the proposal since it claims it owns brand labels and advertisements with the trademark "Wild Horse." The winery is concerned about the impact the proposed Wild Horse Valley viticultural area name may have on use of their trademark. Santa Lucia Winery Inc. would like to inspect the petition and related correspondence prior to submitting a comment on the notice of proposed rulemaking.

**DATE:** Comments must be received on or before January 20, 1988.

**ADDRESS:** Comments should be addressed to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226, 202-566-7626.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 16, 1987, ATF published Notice No. 639, proposing an approximately 3,300 acre (or 5.16 square mile) viticultural area located five miles east of the City of Napa, California. The action was based on a petition received from John Newmeyer of Napa and four other interested persons. There are currently no bonded wineries in the proposed viticultural area but according to the petitioner two small wineries are planned. The comment period for the proposed Wild Horse Valley viticultural area closed on November 2, 1987.

On October 30, 1987 (2 days prior to the closing of the comment period), Santa Lucia Winery Inc. requested a 30-day extension of the comment period. Santa Lucia Winery Inc. markets a number of wines with the brand name Wild Horse and trade names Wild Horse Winery, Wild Horse Cellars and Wild Horse. They have been using the name Wild Horse on their wine labels since December 3, 1985. They would like more time to review the Wild Horse Valley petition and submit a comment because they claim they own the trademark "Wild Horse." They believe that consumers may become confused (as to the origin of wines) if both names Wild Horse Valley and Wild Horse can appear on wine labeling and advertising.

##### Disclosure of Comments

Written comments or suggestions may be inspected by any person at the ATF Reading Room, Office of Public Affairs and Disclosure, Room 4412, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC, during normal business hours.

##### Drafting Information

The principal author of this document is Edward A. Reisman, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

##### Authority and Issuance

This notice is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended, 27 U.S.C. 205.

Approved: December 14, 1987.

Stephen E. Higgins,  
Director.

[FR Doc. 87-29151 Filed 12-18-87; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF JUSTICE

### 28 CFR Part 16

[AAG/A Order No. 8-87]

#### Exemption of Records Systems Under the Privacy Act

**AGENCY:** Department of Justice.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Justice proposes to exempt a Privacy Act system of records from subsections (c)(3) and (d) of the Privacy Act, 5 U.S.C. 552a. This system is the "Central Index File and Associated Records, JUSTICE/OSC-001." Records contained in this system relate to official Federal investigations and matters of law enforcement. The exemptions are needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

**DATE:** Submit any comments by January 20, 1988.

**ADDRESS:** Address all comments to J. Michael Clark, Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street, NW, Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** J. Michael Clark, (202) 272-6474.

**SUPPLEMENTARY INFORMATION:** In the notice section of today's Federal Register, the Department of Justice provides a description of the "Central Index File and Associated Records, JUSTICE/OSC-001."

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

#### List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of information, Privacy and Sunshine Acts.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, it is proposed to amend 28 CFR Part 16 by adding § 16.78 as set forth below.

Dated: December 7, 1987.

Harry H. Flickinger,  
Assistant Attorney General for  
Administration.

**PART 16—[AMENDED]**

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted:

2. It is proposed to amend 28 CFR Part 16 by adding § 16.78 to read as follows:

**§ 16.78 Exemption of the Special Counsel for Immigration-Related, Unfair Employment Practices Systems.**

(a) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (d).

(1) Central Index File and Associated Records, JUSTICE/OSC-001.

The exemptions apply to the extent that information in their system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of an investigation to obtain valuable information concerning the nature of that investigation. This would permit record subjects to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid inquiries.

(2) From subsection (d) because access to the records contained in this system might compromise ongoing investigations, reveal confidential informants, or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation.

[FR Doc. 87-29129 Filed 12-18-87; 8:45 am]

BILLING CODE 4410-01-M

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

**36 CFR Parts 1202 and 1258**

**NARA Fee Schedule; Proposed Rulemaking**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule will revise fees charged by the National Archives and Record Administration (NARA) for reproduction of records created by other Federal agencies and transferred to the custody of the Archivist of the United States, donated historical materials, and records filed with the Office of the Federal Register. This regulation also

proposes to set fees for reproductions made pursuant to Privacy Act requests for NARA administrative records and to FOIA requests for accessioned records. The fees are changed to reflect the current costs of providing the reproduction services.

**DATE:** Comments must be received on or before January 20, 1988.

**ADDRESS:** Comments should be sent to Director, Program Policy and Evaluation Division, National Archives and Record Administration (NAA), Washington, DC 20408.

**FOR FURTHER INFORMATION CONTACT:** Adrienne C. Thomas or Nancy Allard at 202-523-3214 (FTS 523-3214).

**SUPPLEMENTARY INFORMATION:** In past years, the NARA reproduction fee schedule has been applicable to Privacy Act and FOIA requests for NARA administrative records as well as to routine reference requests and FOIA requests for records transferred to the custody of the Archivist of the United States. The NARA reproduction fee schedule proposed in § 1258.12 will apply only to routine reference requests for records transferred to the custody of the Archivist. To facilitate revision of reproduction fees in response to changing costs, we are proposing to issue fees for FOIA requests for records transferred to the custody of the Archivist of the United States in a new § 1258.11. Proposed changes to the FOIA fee schedule will continue to be published for public comment in a notice of proposed rulemaking.

The proposed fee schedule in § 1258.12 does not differentiate between customer or NARA selection (tabbing) of documents for electrostatic and negative microfilm copies. We have determined that the work that NARA staff must perform in preparing the records for reproduction is essentially the same whether the customer or NARA selects the documents. Therefore, we are eliminating the \$0.05 per copy or frame surcharge for NARA tabbed documents.

This proposed rule also estimates in § 1202.50 a separate fee for reproductions of NARA administrative records in response to Privacy Act requests. NARA recently established a separate fee schedule for reproduction of NARA administrative records at 36 CFR 1250.40 (52 FR 29517), as required by the Freedom of Information Reform Act. As we pointed out in that rulemaking, the uniform fee provisions of the Reform Act do not apply to FOIA requests for records transferred to the custody of the Archivist of the United States because a superceding statute, 44 U.S.C. 2116(c), exists.

This rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

**List of Subjects**

36 CFR Part 1201

Privacy Act.

36 CFR Part 1258

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend Chapter XII of Title 36 of the Code of Federal Regulations as follows:

**PART 1202—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974**

1. The authority citation for Part 1202 continues to read as follows:

Authority: 44 U.S.C. 2104(a); 5 U.S.C. 552a.

2. Section 1202.50 is revised to read as follows:

**§ 1202.50 Records available at a fee.**

The system manager shall provide one electrostatic copy of a record to a requester at a fee of \$0.35 per page if NARA makes the copy or \$0.10 per page if the requester makes the copy a NARA self-service copier.

**PART 1258—FEES**

3. The authority citation for Part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

4. Section 1258.2 is amended by revising paragraph (a) and adding paragraph (c)(10) as follows:

**§ 1258.2 Applicability.**

(a) Except as otherwise provided in this section, fees for the reproduction of NARA archival records, donated historical materials, and records filed with the Office of the Federal Register are as set forth in § 1258.12.

\* \* \*

(c) \* \* \*

(10) The fees for reproductions of archival records made in response to FOIA requests are set forth in § 1258.11.

5. Section 1258.11 is added to read as follows:

**§ 1258.11 Fees for reproduction of archival records in response to FOIA requests.**

(a) *Electrostatic copies.*

(1) Paper to paper (up to 11 in. by 17 in.):

NARA makes the copy.....\$0.35  
Customer makes the copy on a NARA self-service copier..... 0.10

(2) Oversized electrostatic copies (per foot): \$2.15 (plus \$0.20 per foot for vellum paper)

(3) Microfilm to paper:

	Up to 11 in. by 17 in.	18 in. by 24 in.
Work done by customer.....	\$ .30	\$ .80
NARA performs the work:		
First copy per roll.....	1.85	2.35
Next consecutive frame or duplicate.....	.80	1.30
Next nonconsecutive frame.....	.95	1.50

(b) Other processes.

Fees for other reproduction processes not listed in § 1258.11 are computed upon request.

6. Section 1258.12 is revised to read as follows:

#### § 1258.12 Fee schedule.

(a) Authentication: \$2.00

(b) Still photography:

(1) Copy negatives (Black & white):

4 in. by 5 in.....\$4.40  
8 in. by 10 in..... 6.00

(2) Copy negatives (Color):

4 in. by 5 in.....\$10.85  
8 in. by 10 in..... 23.30

(3) Slides (from an existing negative):

2 in. by 2 in. (Black & White).....\$2.00  
2 in. by 2 in. (Color).....2.45

(4) Aerial photographic reproductions:

10 in. by 10 in. direct duplicate negative.....\$6.95  
10 in. by 10 in. contact print..... 5.50  
14 in. by 14 in..... 8.70  
18 in. by 18 in..... 9.20  
20 in. by 24 in..... 10.20  
24 in. by 30 in..... 13.25  
40 in. by 41 in..... 19.55

(c) Electrostatic copying:

(1) Paper to paper (up to 11 in. by 17 in.):

Customer makes the copy at a NARA self-service copier.....\$10  
NARA makes the copy.....35

(2) Oversized electrostatic copies (per foot):.....\$2.15  
Add per foot for vellum paper..... .20

(3) Red-line copies.....1.15

(4) Microfilm to paper:

From positive:	Up to 11 in. by 17 in.	18 in. by 24 in.
Work done by customer.....	\$ .30	\$ .80
NARA performs the work:		
First copy per roll.....	1.85	2.35
Next consecutive frame or duplicate.....	.80	1.30

From positive:	Up to 11 in. by 17 in.	18 in. by 24 in.
Next nonconsecutive frame.....	.95	1.50

#### (e) Microfilm:

	16mm Rotary	16mm Planetary	35mm Planetary	35mm Over-size
(1) Negative (per frame):.....	.28	.36	.37	.43
(2) Next generation (per foot):.....		.31	.33	
(3) Direct duplicate: (per foot):.....		.32	.34	

(f) Diazo microfiche duplication (per fiche): \$1.05

(g) Technical services:

	Regular	Overtime
Photographer (per hour).....	\$11.00	\$16.50
Microfilm preparation (per hour).....	9.50	14.25
Sound & video recordings.....	11.50	17.25

(h) Preservation of records. In order to preserve certain records which are in poor physical condition, NARA may restrict customers to a choice of photostatic or microfilm copies instead of electrostatic copies.

(i) Unlisted processes. Fees for reproduction processes not listed in § 1258.12 are computed upon request.

5. Section 1258.16 is revised to read as follows:

#### § 1258.16 Effective date.

The fees in § 1258.12 are effective on March 1, 1988.

Dated: November 16, 1987.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 87-29068 Filed 12-18-87; 8:45 am]

BILLING CODE 7515-01-M

## POSTAL SERVICE

### 39 CFR Part 111

#### Revision of Regulations for Penalty Business Reply Mail Accounting Fees

AGENCY: Postal Service.

ACTION: Proposed rule.

**SUMMARY:** The Postal Service proposes changing the current regulations regarding penalty business reply mail (BRM) to conform more closely to requirements which apply to commercial customers, and to help integrate BRM with the Official Mail Accounting System (OMAS). OMAS is an automated accounting system for official mail revenue.

**DATES:** The deadline for submitting comments on this proposal is on or before January 20, 1988.

**ADDRESSES:** Address written comments to the General Manager, Official & International Mail Accounting Division, U.S. Postal Service, Washington, DC 20260-5230. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8621, 475 L'Enfant Plaza West, SW., Washington, DC 20260.

#### FOR FURTHER INFORMATION CONTACT:

James S. Stanford, (202) 268-3250.

**SUPPLEMENTARY INFORMATION:** There are three significant changes in the proposed regulations. The first change establishes two methods of paying for BRM. Under one new payment method, agencies are billed through OMAS by establishing a BRM account. Agencies pay an annual accounting fee for each post office ZIP Code where they wish to be billed for returned BRM. This method is recommended for agency locations that project an annual BRM volume of more than 1,000 pieces. Under the other new payment method, agency locations that project a volume of 1,000 pieces or less pay postage and a higher per piece fee, using penalty mail postage meters or stamps when the returned BRM is delivered.

Under current penalty mail BRM regulations, Federal agencies pay only one accounting fee for each assigned permit number, regardless of how many post offices handle their returned BRM. Also, they do not have the option of paying upon delivery. This policy was established when penalty mail BRM accounting was centralized at Postal Service Headquarters. At that time, there was no feasible alternative for Federal agencies to pay upon delivery for BRM without requiring prepayment, which is prohibited by section 3201 of Title 39, U.S. Code.

The new payment methods we propose have been made available because of the decentralization of penalty mail accounting under OMAS, and because agencies may now pay for BRM postage with penalty mail postage meters and stamps. These methods allow us to conform penalty BRM payments to the payment options and fee structure available to our commercial customers. They ensure the proper application of the BRM fee structure to penalty mail, while providing each Federal agency with the option of using the most cost-effective BRM payment method at each BRM return location.

The second proposed change is that Postal Service Headquarters, rather than local post offices, will assign penalty mail BRM permit numbers. This will

prevent agencies from having duplicate numbers, and will allow us to conform to the very successful procedures used to assign permit imprint numbers to Federal agencies. We expect that, in most cases, this new procedure will not require agencies to change their existing BRM permit numbers.

The third proposed change requires Federal agencies to apply for a BRM authorization at each post office where they wish to have BRM returned. Only one application is required, as long as the permit remains active and the information on the application form does not change. It ensures that the correct agency code (and subcode, if desired) is recorded in OMAS, and that the agency has designated its desired BRM payment option for that location.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments to the Domestic Mail Manual, which is incorporated by reference in the code of Federal Regulations. See 39 CFR 111.1.

#### List of Subjects in 39 CFR Part 111

Postal service.

#### PART 111—[AMENDED]

1. The authority citation in 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

#### PART 137—OFFICIAL MAIL

2. In 137.276, revise g to read as follows:

##### 137.276 Penalty Reply Mail

###### g. Penalty Business Reply

(1) *General.* An agency may pay for penalty business reply mail (BRM) by setting up a BRM account or by paying for BRM upon delivery of the mail. Under a BRM account, the agency will be billed an annual accounting fee by each post office ZIP Code where its mail will be returned, the appropriate postage, and a per piece charge. Under the "payment upon delivery" option, the agency pays the appropriate postage and a per piece charge. In both cases,

the agency will be billed an annual BRM permit fee for each assigned permit number. The postage, fees, and charges are the same as in 917.3.

(2) *Applying for a BRM permit.* An agency must apply for an authorization to use a business reply permit at each post office where its business reply mail will be returned. An agency must complete and submit to each post office a copy of Form 3614, *Application for a BRM Permit* (Exhibit 137.276g(2)), which must include the following:

(a) BRM permit number (only Postal Service Headquarters may assign BRM permit numbers—see 137.252 for a list of authorized BRM permit numbers.)

(b) Agency code.

(c) Agency subcode (if desired)

(d) Whether the agency desires to set up a BRM account.

Each agency will be assessed a BRM permit fee each year by the Official & International Mail Accounting Division at Postal Service Headquarters. At each post office where an agency wishes to set up a BRM account, the post office that handles the account will assess a BRM account fee by completing Form 3636-G, *Fee Assessment for Official Mail*, and returning the original copy to the agency. (An agency cannot pay in cash for any official mail transaction.) A contractor may submit an application on behalf of the agency if it is signed by an authorized agency representative.

(3) *Formatting BRM.* Penalty business reply mail envelopes must bear the address of one of the authorized agencies listed in 137.252, or one of their component units. Envelopes must be printed in the format required by 917.5, with the following exceptions:

(a) The address may be printed, typewritten, or handstamped directly on the mailpiece, or a printed gummed label may be affixed in the address area. The address must not be handwritten. All other preparation requirements for the address side in 917.5 must be met.

(b) The legend required by 917.524 must read *Postage Will Be Paid By* (name of authorized agency).

*Exception:* The legend must not appear on Postal Service business reply mail.

(c) The space for the permit holder's used described in 917.525e must include the statement, *Official Business, Penalty for Private Use \$300*. Space above this

statement may be used for return address, logos, distribution codes, etc.

(d) Exhibit 137.276g(3)(d) illustrates the penalty business reply mail format.

(4) *Renewing a BRM Permit and BRM Account.*

(a) An agency is automatically billed by Postal Service Headquarters an annual fee for each authorized BRM permit. See 917.33a.

(b) If an agency elects the BRM account option, it will also receive an *Annual Fee Renewal Notice* from the post office at which its BRM is delivered. An agency must indicate on the notice which permit options it wishes to renew, and return the notice to the post office by the renewal deadline. If the agency fails to renew an established BRM account, the account will be closed and postage for the BRM mail will be collected under the "payment upon delivery" option described below.

(c) If any agency elects the "payment upon delivery" option, no action is necessary for renewal.

(5) *Paying BRM Postage and Fees.*

(a) *BRM Account Option.* Each post office will record all BRM returned to it each day. It will prepare for each agency a Form 3582-A, *Postage Due Bill*, as a daily record of mail charged to the agency's BRM account, and will submit the form to the agency with its mail. Each accounting period, each post office will summarize BRM activity through the Official Mail Accounting System (OMAS). Postal Service Headquarters will distribute this information to agencies in a quarterly OMAS report.

(b) *Payment Upon Delivery Option.* Under this option, an agency must use penalty mail postage meter strips or penalty mail stamps to pay for BRM when the mail is delivered. The meter strip must be in the exact amount of the postage due, and bear the current date. Postage collected under this option will be included in the overall OMAS postage total, but will not appear under the BRM total.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposed is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

BILLING CODE 7710-12-M



## Application for a BRM Permit

*This permit allows the holder to distribute business reply cards, envelopes, self-mailers, cartons, and labels prepared and mailed for return without prepayment of postage under Section 917, Domestic Mail Manual (DMM). First-Class rates and the additional per piece charge for business reply mail will be paid on all pieces returned under this privilege. The permit holder must prepare mailing pieces in accordance with DMM 917, and understands that failure to conform with these requirements may be considered basis for revocation of this permit. The annual business reply permit fee and the annual accounting fee, if payment is from a BRM account, must accompany this form. If permit is not renewed by December 31, BRM will not be delivered.*

Permit Holder's Name, Street Address, City & State, ZIP + 4 code

Telephone Number

Federal Agency Code - Subcode

Post Office to which application is submitted (Include City & State, ZIP + 4 code):

Signature & Title of Applicant

Date

**The Postmaster must complete and return bottom portion to applicant.**

Permit Number

Date Issued

BRM Account

yes      no

-----  
*You are authorized to distribute business reply cards, envelopes, self-mailers, cartons, and labels under the provisions of Domestic Mail Manual (DMM) 917. Your permit number must appear on each item and you must notify this office of any name or address change or permit cancellation. Only mail prepared in accordance with DMM 917 will be accepted as business reply mail. You must renew your permit by December 31 each year, or BRM will not be delivered.*

Permit Number

BRM Permit Fee Receipt Number

BRM Account

yes ☐ no ☐

BRM Account Fee Receipt Number

Date Issued

Postmaster's Signature

Permit Holder's Name, Street Address, City & State, ZIP + 4 code

**Exhibit 137.276g(2) - Form 3614, Application for a BRM Permit**

The diagram illustrates the layout and dimensions for a Business Reply Mail envelope. The overall width is 3 in., divided into a 1 1/4" section on the left and a 1 3/4" section on the right. The height is 5 7/8".

**FOR PERMIT HOLDER'S USE**

**OFFICIAL BUSINESS**  
PENALTY FOR PRIVATE USE \$300

**BUSINESS REPLY MAIL**  
FIRST CLASS PERMIT NO. 00000 WASHINGTON, DC  
POSTAGE WILL BE PAID BY AGENCY NAME

**Agency Name**  
Attn: Finance Dept.  
Federal Building  
Washington, DC 00000-0000

**NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES**

Dimensions and layout details:

- Top width: 3 in. (1 1/4" + 1 3/4")
- Right side width: 2" ± 1/8"
- Left side width: 1" (AT LEAST)
- Bottom height: 5 7/8"
- Vertical distance from top to agency name: 2 1/4"
- Vertical distance from agency name to bottom: 2 1/4"
- Vertical distance from top to postage box: 5 7/8"
- Vertical distance from agency name to postage box: 5 7/8"
- Vertical distance from agency name to bottom: 5 7/8"
- Vertical distance from agency name to bottom: 5 7/8"

Not less than 1/2" between ZIP Code and bars.

Exhibit 137.276g((3)(d) - Penalty Business Reply Mail Format

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

(FRL-3303-7)

**Approval and Promulgation of Implementation Plans; State of Oklahoma; Stack Height Regulations****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes approval of Oklahoma's Regulation 1.4.2(b) "Stack Height Limitation" which was submitted by the Governor on April 30, 1986. Regulation 1.4.2(b) is at least as stringent as the recent revisions to EPA's Stack Height Regulations, except for the inclusion of one definition.

Each State was required to review its State Implementation Plan (SIP) for consistency within nine months of final promulgation of the stack height regulations. The intended effect of this action is to formally document that Oklahoma has satisfied their obligations under section 406 of the Clean Air Act to review its SIP with respect to EPA's revised stack height regulations and to propose approval of the State's revised regulation.

**DATES:** Comments must be received at the Region 6 office by January 20, 1988. Public comment on this submittal is requested and will be considered before taking final action.

**ADDRESSES:** Written comments on this action should be addressed to Thomas Diggs of the EPA Region 6, Air Programs Branch, SIP/NSR Section (address below). Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-AN), 1201 Elm Street, Dallas, Texas 75270.

Oklahoma State Department of Health, Air Quality Service, 1000 Northeast 10th Street, P.O. Box 53551, Oklahoma City, Oklahoma 73152.

**FOR FURTHER INFORMATION CONTACT:** Gregg C. Guthrie, Air Programs Branch, EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, telephone (214) 655-7214 or (FTS) 255-7214. Reference Docket File Number OK-86-1.

**SUPPLEMENTARY INFORMATION:** On February 8, 1982 (47 FR 5864), EPA promulgated final regulations limiting stack height credits and other dispersion techniques as required by section 123 of the Clean Air Act (the Act). These

regulations were challenged in the U.S. Court of Appeals for the D.C. Circuit by the *Sierra Club v. EPA*, 719 F.2d 436. On October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulations, reversing certain portions and upholding other portions.

On February 28, 1984, the electric power industry filed a petition for a writ of certiorari with the U.S. Supreme Court. On July 2, 1984, the Supreme Court denied the petition (104 S. Ct. 3571), and on July 18, 1984, the Court of Appeals' mandate was formally issued, implementing the court's decision and requiring EPA to promulgate revisions to the stack height regulations within six months. The promulgation deadline was ultimately extended to June 27, 1985.

Revisions to the stack height regulations were proposed on November 9, 1984 (49 FR 44878), and finalized on July 8, 1985 (50 FR 27892). The revisions redefine a number of specific terms including "excessive concentrations," "dispersion technique," "nearby," and other important concepts, and modified some of the bases for determining good engineering practice (GEP) stack height. Pursuant to section 406(d)(2) of the Act, all states were required to (1) review and revise, as necessary, their state implementation plans (SIPs) to include provisions that limit stack height credits and dispersion techniques in accordance with the revised regulations and (2) review all existing emission limitations to determine whether any of these limitations have been affected by stack height credits above GEP or any other dispersion techniques. For any limitations so affected, states were to prepare revised limitations consistent with their revised SIPs. All SIP revisions and revised emission limits were to be submitted to EPA within nine months of promulgation, as required by section 406.

**Plan Review**

The State of Oklahoma found its SIP needed revision to include the provisions in the revised Federal regulations. EPA received the revision on June 9, 1986, from the Oklahoma State Department of Health (OSDH). EPA reviewed the revision and developed an evaluation report.<sup>1</sup> This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 office. The State's regulation meets all of EPA's criteria for approval, with the exceptions of acceptable definitions of "Emission Limitation and

Emission Standard", and "Dispersion Technique".

The States regulation 1.4 is their Permitting and New Source Review Program. Regulation 1.4.2(b) "Stack Height Limitation" is part of regulation 1.4 and therefore will apply to all new or modified sources as required in 49 CFR (old 51.18(1)) 51.164. All existing sources have been reviewed and found to be in compliance with regulation 1.4.2(b) therefore satisfying the requirements of 40 CFR (old 51.12(j)) 51.118(a).

EPA's review has found Oklahoma's regulation to be at least as stringent as the Federal regulations. Regulation 1.4.2(b) does not provide for excluding stack heights in existence before December 31, 1970 [See 40 CFR (old § 51.12(k)) 51.118(b)], and the definition of "Dispersion Technique" does not include source process parameters or stack parameters; smoke management; or woodburning and open burning episodic restrictions. Specifically, the definition of "Dispersion Technique" does not include the Federal exemptions in paragraphs (iii) and (iv) under paragraph (c) of 40 CFR (old § 51.1(j)(2)(ii)) 51.100 (j)(2)(ii). The definition of "Good Engineering Practice" provides only the Commissioner of the OSDH authority to require a field study or fluid modeling study to verify the GEP stack height. (EPA's definition gives the authority to EPA, the State, or the local control agency.) EPA believes that is acceptable because under the current Federal regulations, EPA has authority to require a field study or fluid modeling study to verify the GEP stack height.

The State definitions adopted in 1.4.2(b) are similar to Federal definitions. The State has not, however, included the definition of "Emission Limitation and Emission Standard" in its regulation. EPA request that the OSDH add this definition or a schedule to adopt this definition during the public comment period. The State's definition of "Dispersion Technique" does not prohibit manipulation of source process parameters and stack parameters to increase final exhaust gas plume rise. EPA notified the State of the discrepancy and the State has agreed to revise the definition in a November 6, 1987, letter.

**Proposed Action**

EPA is proposing approval of the SIP revision for Oklahoma Regulation 1.4.2(b) "Stack Height Limitation". EPA will not take final action until the State amends the definitions as outlined above.

<sup>1</sup> Evaluation Report for the Oklahoma Regulation 1.4.2(b) "Stack Height Limitation".

## Regulatory Process

Under 5 U.S.C. 605(b), I certify SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 146 FR 8709).

The Office of Management and Budget has exempted this rule from the requirement of section 3 of Executive Order 12291.

## List of Subjects in 40 CFR Part 52

Air pollution control, Sulfur oxides.

Authority: 42 U.S.C. 7401-7642.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 87-29117 Filed 12-18-87; 8:45 am]

BILLING CODE 6560-50-M

## 40 CFR Part 763

[OPTS-6203B; FRL-3305-1]

## Asbestos; Proposed Release of Information

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Release of additional information.

**SUMMARY:** EPA requests comment on its intention to release publicly, under the authority of section 14(a)(4) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2613(a)(4), three documents that disclose some information currently treated as Confidential Business Information (CBI) because this information is relevant to the Agency's rulemaking proceeding to ban and phase out the use of asbestos (50 FR 3738, January 29, 1986). EPA will soon place in the public rulemaking docket three major documents containing analyses necessary to support the asbestos rulemaking and developed using information currently treated by EPA as CBI. These documents are: The Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis. To permit effective comment on these analyses, EPA is proposing the complete release of these documents without deleting the CBI contained in them. To limit the public disclosure of CBI, the documents generally contain aggregated data rather than specific pieces of information that were claimed as CBI. Further, EPA does not intend to release the underlying CBI data used in creating these documents. This notice describes the types of information EPA proposes to release and the process for commenting on the Agency's proposal to release it. The three documents will not be placed in the public docket until after the close of

the comment period on this notice. EPA will also provide notice to all affected persons at least five days prior to any disclosure of information claimed confidential.

**DATES:** Comments on this notice must be received by EPA on or before January 20, 1988.

**ADDRESS:** Submit written comments, identified by the docket control number (OPTS-62036B), in triplicate to: Document Processing Center (TS-790), Room L-100, Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St. SW., Washington, DC 20460, (202-554-1404).

## SUPPLEMENTARY INFORMATION:

### I. Background

EPA, on January 29, 1986, proposed a rule under section 6 of TSCA which would ban immediately the manufacture, import, and processing of certain asbestos products, and would phase out the remaining products over a ten-year period. This proposal outlined several options for implementing the ban and phase out and allowed five months for public comment. EPA received approximately 200 written comments. Further public input occurred in legislative and cross-examination hearings in July and October of 1986.

Some of the information upon which the proposal was based was gathered in the years 1979, 1980, and 1981. EPA has updated its information base with data collected in 1986 telephone survey and a 1986-1987 Asbestos Exposure Assessment Questionnaire, both conducted by EPA's contractor, ICF Incorporated. Using this updated information base, EPA has revised many of the analyses supporting the rulemaking proceeding. In the near future, EPA intends to place three documents which obtain the revised analyses in the public docket for comment: the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis (RIA). The Asbestos Exposure Assessment analyzes the occupational exposure to asbestos and asbestos releases from manufacturing plants and commercial operations in the United States. The Asbestos Modeling Study analyzes the ambient exposure levels resulting from the release of asbestos to the atmosphere from industrial and commercial sources. The RIA contains discussions of the costs and benefits of

various regulatory options; a regulatory flexibility analysis, including distribution analysis, community impact analysis, small business impacts, and international trade impacts; appendices on models and computational procedures, survey results, use and substitutes analyses, health effects and studies, the cost of converting capital equipment from asbestos-using processes, producer surplus loss determination, economic impacts data and analyses, and sensitivity analysis.

Information used in producing the revised analyses was obtained from numerous sources; some of the information is public, some claimed confidential. The CBI used in the revised analyses was derived from the sources: The 1986 EPA telephone survey responses, the 1986-1987 Asbestos Exposure Assessment Questionnaire responses, and reports submitted under the Asbestos Reporting Requirements Rule promulgated under the authority of section 8(a) of TSCA (40 CFR 763.60, *et seq.*). The revised analyses were primarily based on information obtained through the 1986 telephone survey and the 1986-1987 Asbestos Exposure Assessment Questionnaire, because the survey and questionnaire provided more recent information than the reports under the Asbestos Reporting Requirements Rule. The form used by ICF Incorporated in conducting the 1986 telephone interview, as well as the cover letter and questionnaires from the Asbestos Exposure Assessment Questionnaire have been placed in the public docket established for the rulemaking (OPTS-62036). The public docket is located in room NE-G004, 401 M Street, Washington, DC 20460.

The Asbestos Reporting Requirements Rule, promulgated on July 30, 1982, required persons who manufactured, imported, mined, or processed asbestos before the date of the rule to report on their respective activities. The reported information included data on the quantity and use of asbestos, annual imports and exports, worker exposure, and utilization of pollution control equipment. This data base was the primary information source used for creating documents to support the proposed rule.

The revised analyses reflected in the three documents to be released for comment rely heavily on the Asbestos Reporting Requirements Rule for only two types of information: Production volumes for all product categories and exposure information for products that are no longer being manufactured in the United States. Other information from the reporting rule was only used either

in cases where no equivalent data were available from the 1986 telephone survey or questionnaire, or in cases where both old and new data were needed to determine a rate of change. For example, to determine a baseline rate of asbestos consumption, it was necessary to look at two different amounts of asbestos consumed at two different points in time.

The telephone survey and the Asbestos Exposure Assessment Questionnaire were conducted at the end of 1986 and the beginning of 1987, after the promulgation of the Occupational Safety and Health Administration's (OSHA) regulations lowering the Permissible Exposure Level for occupational exposure to asbestos (51 FR 22612, June 20, 1986). The 1986 telephone survey updated and expanded the data base provided by the Asbestos Reporting Requirements Rule. In addition to contracting the manufacturers, importers, and miners who reported to EPA under the Asbestos Reporting Requirements Rule, ICF Incorporated also contacted new entrants into the asbestos market and several manufacturers of substitute fibers and products.

The Asbestos Exposure Assessment Questionnaire sought to assess occupational exposure and air release information from mining and milling of asbestos, primary and secondary manufacturing of asbestos-containing products, and nonmanufacturing operations using both U.S. produced and imported asbestos-containing products. A significant amount of the information gathered from these questionnaires was claimed by the responding companies to be CBI.

Much of the data from the telephone survey, the Asbestos Exposure Assessment Questionnaire, and the Asbestos Reporting Requirements Rule has been treated by EPA as CBI because many persons initially requested that information they supplied be treated as CBI. EPA has not evaluated the validity of these initial CBI claims. The analyses and information derived from these data have also been treated by EPA as CBI. To produce versions of EPA's new analyses which would not disclose CBI directly or indirectly, many of the tables and numbers used to create the three revised documents would have to be deleted or obfuscated before the documents could be placed in the public docket. If EPA did this, however, EPA believes it may be virtually impossible for interested persons to comment on the Agency's analysis. The large amount of data deleted or obfuscated due to CBI considerations would impede the

disclosure of the factual materials used by EPA in developing the final rule.

Accordingly, EPA intends to place the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the RIA in the public docket with no tables or information deleted due to CBI considerations. This action may cause some information claimed as CBI to be disclosed. Therefore, EPA is proposing to invoke its authority under TSCA section 14(a)(4) to disclose CBI that is relevant in this TSCA rulemaking proceeding. EPA will make all reasonable efforts to limit disclosure of CBI when making these three documents public by releasing in most cases data aggregated on a product category basis, thus allowing adequate public comment, while maintaining the confidentiality of most company-specific data obtained through the reporting rule, the questionnaire, and the telephone survey.

## II. Authority and Rationale for the Release of Information

Section 14(a) of TSCA generally prohibits release of CBI "obtained \* \* \* under [TSCA]." Information "obtained" under TSCA includes all the data from the Asbestos Reporting Requirements Rule, the Asbestos Exposure Assessment Questionnaire, and the 1986 telephone survey. Section 14(a)(4), however, provides that CBI

may be disclosed when relevant in any proceeding under this Act, except that disclosure in such a proceeding shall be made in such a manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

EPA's procedural rules governing release of CBI under section 14(a)(4) are found at 40 CFR 2.306(i). Section 2.306(i)(2) provides that EPA may not release CBI under section 14(a)(4) until affected businesses have been informed that the Agency is considering making the information available to the public and have been afforded a reasonable opportunity to comment. After considering any timely comments, the EPA General Counsel is to determine whether the information is relevant to the subject of an identified rulemaking proceeding, and the EPA office conducting the proceeding is to determine whether the public interest would be served by making the CBI available to the public. Any affected businesses are to be given at least five days notice prior to making the information available to the public.

EPA is not at this time challenging the validity of the underlying claims that certain information is CBI. However, EPA does believe that well informed public comment on the revised analyses

in the three documents would be virtually impossible without release of the information in the documents currently being treated by EPA as CBI. Pursuant to 40 CFR 2.306(i)(2), this notice provides an opportunity for affected businesses and the public to comment on the proposed disclosure of the CBI to support the asbestos ban and phase out rulemaking. It also sets forth the preliminary reasoning of the EPA General Counsel as to the relevance of the information to the asbestos rulemaking and the reasoning of the EPA Office of Toxic Substances regarding the public interest to be served by releasing the information. If EPA determines after the comment period for this notice that this information may be disclosed, EPA will notify the businesses affected by the release of information which may be CBI through a Federal Register notice at least five days before the Agency intends to place the three revised support documents in the public docket.

EPA's preliminary conclusion is that the CBI discussed in this notice and contained in the three documents is relevant to the asbestos ban and phase out rulemaking and that it is in the public interest to make the CBI available to the public to allow full and effective comment on this important and complex rulemaking.

First, the information is relevant to the asbestos ban and phase out rulemaking proceeding because it provides the basis for a determination, required under section 6(a) of TSCA, as to whether asbestos activities present an unreasonable risk of injury to human health or the environment. The Asbestos Exposure Assessment, the Asbestos Modeling Study, and the RIA also provide the technical analysis required under section 6(c)(1) of TSCA. Under this section, EPA must consider the following factors when determining whether activities involving a chemical substance or mixture present an unreasonable risk:

(1) The effects of such substance or mixture on health and the magnitude of the exposure of human beings to such substance or mixture.

(2) The effects of such substance or mixture on the environment and the magnitude of the exposure of the environment to such substance or mixture.

(3) The benefits of such substance or mixture for various uses and the availability of substitutes for such uses.

(4) The reasonably ascertainable economic consequences of the rule, after consideration of the effect on the national economy, small business,

technological innovation, the environment, and public health.

Second, it is in the public interest to release the information to ensure that interested persons can adequately comment on the Agency's revised analyses. Well documented analyses would enable the public to judge the validity of EPA's analytical methods and findings. Further, thorough documentation would facilitate informed comment that could improve the final rule for the ban and phase out of asbestos.

Third, a less complete release of information, including only ranges of data or limited classes of information, would not allow effective public comment given the complexity of the issues and the documents involved at this stage in the rulemaking. In the *Federal Register* of June 13, 1983, EPA announced the disclosure of aggregate statistics of CBI Asbestos Reporting Requirement Rule data. These procedures were followed in developing analyses in support of the proposed ban and phase out rule. While disclosure of broad ranges was adequate for comment on the analyses used to support the proposed rule, EPA believes that employing these procedures for the public versions of the revised analyses for the final rule would significantly hamper public comment.

The 1983 data aggregation procedures used for asbestos data provided that individual CBI components of an aggregate be afforded certain minimum levels of protection before the aggregate could be publicly disclosed. This generally means that a numerical range was disclosed instead of a specific aggregate figure. Narrower ranges generally provide less protection than broader ranges. The broad ranges that would be necessary to protect CBI for the analyses for the final rule, however, would create vagueness and generality that would hamper the public's ability to analyze the data and comment effectively. The size of the range that would be required if EPA used the 1983 procedures is dependant on the number of CBI components of the aggregate and the proportional distribution of the numbers comprising the aggregate figure. Generally, the smaller the number of companies in a particular mining, milling, or product category, the greater the range created to mask the individual components. Because many asbestos categories used in the revised analyses have few producers, the resulting ranges necessary to be protective of CBI would in some cases be quite large.

Further, because different classes of information are often interrelated, it is

extremely difficult to isolate and protect any specific type of information. For example, the protection of production volumes would also require curtailing the release of the number of workers involved because companies that have asserted CBI claims have argued that in many asbestos mining, milling, or manufacturing industries there is a close correlation between the number of workers involved and the amount of product.

Fourth, the release of information claimed and currently treated as CBI is also mitigated by the fact that some of that information probably does not qualify as CBI under the standards of section 14(a) of TSCA. During the 1986 telephone survey, companies were asked whether they would like to claim the information they submitted as CBI. Some of the information obtained from the survey was available to the public, and therefore not eligible for treatment as CBI. EPA sought to clarify CBI claims and subsequently sent a letter asking companies to verify that EPA had properly recorded the facts they submitted, and to clarify what information, if any, the companies specifically claimed as CBI. Only 3.8 percent of the contracted parties specifically requested that their information continue to be treated as CBI. When revising the analyses, EPA decided to continue treating information from the survey as CBI, because the Agency was not certain that all parties who responded to the telephone survey received the letter or that those that did receive the letter understood that failure to affirm their claims that their data was CBI could result in disclosure of the submitted information.

EPA is therefore proposing to release complete versions of the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis as part of the section 6 rulemaking proceeding for the ban and phase out of asbestos. Businesses which provided information through the 1982 Asbestos Reporting Requirements Rule, the 1986-1987 Asbestos Exposure Assessment Questionnaire, or the 1986 telephone survey should be aware that part of the information they submitted could be disclosed. However, EPA will preserve the confidentiality of information to the fullest extent practicable without impairing the rulemaking proceeding by releasing aggregated data on a mining, milling, or product category basis. EPA will not further protect individual components of aggregates by creating broad ranges around the aggregate figures to protect the individual values. As noted earlier, EPA has concluded that such ranges

would not give persons sufficient information to comment effectively on these documents. However, most of the companies in the asbestos industry are in product categories comprised of sufficient numbers of producers to ensure that the confidentiality of information provided by individual companies in these categories would be protected through the release of aggregated data.

Available data indicates that more than half of the companies in the asbestos industry are in only four product categories: non-roof coatings, roof coatings, disc brake pads, and drum brake linings. Each of these four categories is comprised of over ten companies. The majority of companies in the asbestos industry would thus be afforded much protection through the release of information aggregated on a product category basis in these documents. While EPA is proposing to release these three documents with some CBI revealed in them, EPA is not proposing to release the underlying logs from the telephone surveys, the exposure questionnaires, or the Asbestos Reporting Requirements Rule reports, because such additional disclosure would not be necessary to allow an adequate opportunity for comment.

This section 14(a)(4) action is limited to the information released in the three documents. Should EPA decide to release information not contained within these three documents, and currently treated as CBI, the Agency would proceed separately under 40 CFR Part 2. However, once the three documents are released, EPA may use the information released in these three documents in subsequent analyses and public documents as part of the asbestos ban and phase out rulemaking without further notice.

EPA believes the proposed release of information currently treated as CBI in the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis is necessary to allow effective public comment on these documents. Persons who wish to comment in opposition to this proposed release of information currently treated as CBI should specify alternatives to this release of information which would enable adequate public comment on the three documents, or they should explain how the public would be able to comment adequately on the new documents without any disclosure of the information treated as CBI.

### III. Types of Information To Be Released

This unit outlines the types of information which are proposed to be released in the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the Regulatory Impact Analysis, so that companies may determine whether information they provided to EPA is likely to be included in this proposed release.

Much of the analysis used in creating the support documents divided asbestos use on a product-by-product basis, with mining and milling retained as a separate category. The uses of asbestos and asbestos substitutes generally have been divided into 35 product categories.

#### Product Category

1. Commercial paper
2. Rollboard
3. Millboard
4. Pipeline wrap
5. Beater-Add gaskets
6. High-Grade electrical paper
7. Roofing felt
8. Acetylene cylinders
9. Flooring felt
10. Corrugated paper
11. Specialty paper
12. Vinyl-asbestos (V/A) floor tiles
13. Diaphragms
14. Asbestos-cement (A/C) pipes
15. Asbestos-cement (A/C) flat sheet
16. Asbestos-cement (A/C) corrugated sheet
17. Asbestos-cement (A/C) shingles
18. Drum brake linings
19. Disc Brake pads (light and medium weight vehicles)
20. Disc brake pads (heavy weight vehicles)
21. Brake blocks
22. Clutch facings
23. Automatic transmission components
24. Friction materials
25. Asbestos protective clothing
26. Asbestos thread, yarn, and other cloth
27. Sheet gaskets
28. Asbestos packings
29. Roof coatings and cements
30. Non-roofing coatings, compounds, and sealants
31. Asbestos-reinforced plastics
32. Missile liner
33. Sealant tape
34. Battery separators
35. Arc chutes

The analyses used in creating the Asbestos Exposure Assessment, the Asbestos Modeling Study, and the RIA were based on numerous types of information. An example of these analyses is the determination of the

total costs that would be imposed on society should the rule be promulgated. The total costs incurred by a ban and phase out of asbestos use is the sum of total producer loss and total consumer loss. To determine consumer loss, EPA looked at the prices of asbestos-containing products and substitute products. Using these prices in conjunction with the Agency's projections of the unregulated level of use of asbestos-containing products, and the Agency's estimates of the market share that a substitute product would capture if asbestos were to be banned, the Agency estimated total consumer loss. To determine producer loss, EPA analyzed the cost of converting the capital equipment used in manufacturing asbestos products, and information on production volumes. Adding the producer and consumer losses together, the Agency estimated the total monetary loss that would be accrued with a ban and phase out of asbestos products.

This estimate is a fundamental part of the cost-benefit analysis for the asbestos ban and phase out rulemaking. As evidenced by this example, many types of information integral to the Agency's analyses must be cited.

EPA will protect information on individual firms as far as practicable by releasing data aggregated by mining, milling, or product category. However, in cases where there are few companies, or even a single company, in a production or use area, non-ranged numbers for that production or use area would be released. To facilitate public comment on EPA's economic and exposure modeling, the following types of information could be released on a mining, milling, or product category basis in most cases.

1. Aggregate numbers of workers and other people exposed to occupational and nonoccupational asbestos release, and the duration, magnitude, and level of this exposure.

2. Manufacturers of products containing asbestos and products containing asbestos substitutes.

3. Location of asbestos mining and manufacture (plant sites).

4. Name and specific types of asbestos substitutes (There are two main divisions of asbestos substitutes. Fibers, such as ceramic or metallic fibers, have been used as substitutes for asbestos fiber. There are also substitute products which act as functional substitutes for asbestos products. For example, polyvinylchloride pipe acts as a functional substitute for asbestos cement pipes.)

5. Aggregate amounts of asbestos and

non-asbestos fiber used, consumed, mined or released.

6. Aggregate production volumes for both mining and manufacture of asbestos and asbestos substitute fiber and products.

7. Market prices of asbestos products and asbestos product substitutes. (These prices are likely available to the public, and thus may not be CBI.)

8. Aggregate numbers of miners, manufacturers, importers, and exporters in a particular product area for both asbestos and asbestos substitute fiber and products.

9. Aggregate numbers of mining, manufacturing, or processing sites for asbestos products.

10. Aggregate amounts of asbestos and asbestos substitutes imported and exported.

11. Numbers of workers subject to lay offs due to a restriction of the manufacture of asbestos products. (This may be calculated on a community basis, which in some cases may mean a single plant, rather than a product category basis.)

12. Aggregate costs of options, such as the cost of labelling, which effectively releases production volume information.

13. Costs of converting capital used to mine or manufacture asbestos or asbestos-containing products to other uses.

14. Asbestos coefficients (percent of asbestos in a product), which reflect the amount of asbestos used in manufacturing a product. (This can be directly calculated from the fifth and sixth type of information listed.)

15. Consumption/production ratios, related to imports and exports (Consumption/production ratios are the amount of asbestos or an asbestos product consumed in the United States divided by the amount of asbestos or an asbestos product produced in the United States. This can be directly calculated from the sixth and tenth type of information listed.)

#### List of Subjects in 40 CFR Part 763

Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, Asbestos.

Dated: December 11, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 87-29263 Filed 12-18-87; 8:45 am]

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# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Health Care Financing Administration

### 42 CFR Part 433

[BQC-68-P]

#### Medicaid Program; Refunding of Federal Share of Overpayments Made to Medicaid Providers

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would amend the Medicaid regulations to specify the requirements and procedures under which States are allowed 60 days following the date of discovery of an overpayment to a Medicaid provider to recover or attempt to recover the overpayment before the Federal share must be credited to HCFA. The Federal Government will share in any overpayments that the State documents it is unable to recover because the debts of the provider have been discharged in bankruptcy or the provider is out of business.

The proposed regulations would implement section 9512 of the Consolidated Omnibus Budget Reconciliation Act of 1985.

**DATE:** To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on February 19, 1988.

**ADDRESS:** Address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BQC-68-P, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following locations:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC., or  
Room 132, East High Rise Building, 6325 Security Boulevard Baltimore, MD.

Please address a copy of comments on information collection requirements to: Office of Information and Regulatory Affairs, Attention: Allison Herron, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

In commenting, please refer to file code BQC-68-P. Comments will be available for public inspection as they are received, beginning approximately 3 weeks after publication, in Room 309-G of the Departmental offices at 200 Independence Ave., SW., Washington,

DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

**FOR FURTHER INFORMATION CONTACT:** David Greenberg, (301) 594-6229.

#### SUPPLEMENTARY INFORMATION:

##### Background

Federal grants to the States are authorized under title XIX (Medicaid) of the Social Security act (the Act) to provide financial sharing in medical assistance to certain needy individuals. Medicaid programs are financed jointly with Federal and State funds and are administered by the State. A State administers its Medicaid program in accordance with a State Medicaid plan approved by the Administrator of HCFA.

In carrying out the Medicaid program, the State Medicaid agency pays institutional providers of services (e.g., hospitals, long-term care facilities, and health maintenance organizations) and noninstitutional providers of services (e.g., clinics, laboratories, and physicians) for medical assistance furnished to eligible Medicaid recipients. HCFA pays the Federal share of expenditures for the Medicaid program to the State on a quarterly basis according to the percentages described in section 1903 and the formula described in section 1905(b) of the Act. In general, the State estimates its funding requirements prior to the start of each quarter of a fiscal year. HCFA reviews this projection and grants the State a sum to cover the Federal share of estimated allowable payments to be made by the State to providers in accordance with the State plan. This sum is referred to as Federal financial participation (FFP).

Within 30 days after the end of each quarter, each State submits an accounting report (Form HCFA-64, Quarterly Statement of Expenditures) showing its actual expenditures during the quarter that has ended. After deferring the Federal share of questioned expenditures and disallowing the Federal share of unallowable expenditures, HCFA compares allowable FFP to the amount previously advanced to the State for that quarter. Any adjusting of amounts owed HCFA or the State is reflected in a subsequent grant award.

Improper payments occur from time to time in any large claims processing system. Under Medicaid, some improper State payments during a quarter may not be detected by the Federal Government or the State until after the State has submitted its expenditure report for that quarter to HCFA.

Consequently, the Federal Government unknowingly participates in overpayments made by the State agency, as these amounts are included in the expenditures reported to HCFA prior to discovery of the overpayments.

Federal laws provide for the recovery of the Federal share of Medicaid overpayments. The Federal Claims Collection Act of 1966 (FCCA), 31 U.S.C. 3711, as amended by the Debt Collection Act of 1982, requires each Federal agency to attempt to collect money owed the Federal Government from claims generated through agency activities. This requirement of the FCCA is implemented in regulations at 45 CFR Parts 30 and 101 through 105. In addition, section 1903(d)(2)(A) of the Social Security Act specifically requires that FFP for Medicaid be reduced or increased to the extent of any overpayment or underpayment that the Secretary determines was made to a State in any prior quarter. Section 1903(d)(3) of the Act provides that the Secretary must consider the pro rata Federal share of the net amount recovered during any quarter by a State to be an overpayment, to be adjusted under the provisions of section 1903(d)(2) of the Act. Under section 1903(d)(2) of the Act, HCFA adjusts FFP for the quarter in which any overpayment is reported. This offset is contingent upon a State notifying HCFA of an improper payment to a provider, or upon discovery of overpayments through HCFA, HHS, or GAO audit processes. Before enactment of the Consolidated Omnibus Budget Reconciliation Act of 1985 (discussed in detail in the next section of this document), if a State reported an overpayment or if an overpayment was discovered in a Federal review, the Federal share of the overpayment amount was subject to immediate refund by the State through the grant award process under the provisions of section 1903 of the Act.

#### Legislative Changes

Section 9512 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), Pub. L. 99-272, enacted on April 7, 1986, amended section 1903(d) of the Social Security Act to change the refund requirements for overpayments made to Medicaid providers. Section 9512 added a section 1903(d)(2)(C) to provide that a State has 60 days from discovery of an overpayment to a person or other entity to recover or attempt to recover that overpayment before the Federal share of the overpayment must be refunded to HCFA through an adjustment in its FFP

payment. Sections 1903(d)(2) (C) and (D) further provide that an adjustment to the FFP payment to the State must be made at the end of the 60-day period, whether or not the overpayment has been recovered by the State, unless the State has been unable to recover the overpayment because the overpayment is a debt that has been discharged in bankruptcy or is otherwise uncollectable from a provider. Section 9512 of COBRA is effective for all overpayments identified for quarters beginning on or after October 1, 1985.

#### **Discussion and Provisions of the Proposed Regulations Definition of Overpayment.**

For purposes of implementing section 9512 of COBRA, we propose to define an overpayment in these regulations as the amount which is paid by the State Medicaid agency to a person or other entity in excess of the amount that is proper under section 1902 of the Act and which is required to be refunded to HCFA under section 1903 of the Act. (In this document, "person or other entity" is referred to as a "provider" in accordance with the definition at 42 CFR 400.203 of the Medicaid regulations.) Some examples of situations that may constitute overpayments are: Duplicate payments; payments for noncovered services; payments to the wrong provider; and payments at incorrect rates. Situations involving excessive provider reimbursement attributable to rate-setting methods or aggregate payments that are higher than the Medicare upper payment limit also may be considered overpayments. However, determining whether an amount paid to an institutional provider under any rate-setting system is considered an overpayment that is recoverable under these proposed regulations would depend on the manner in which the State pursues recovery of the excess amounts. If an overpayment to an institutional provider for a prior year's reported costs is discovered and the State recovers that overpayment solely through a reduction in the provider's per diem rate for a subsequent year, that overpayment would not be subject to the requirements of these proposed regulations. In this case, no refund of the Federal share explicitly related to the original overpayment would be required. However, if, in addition to or instead of reducing the current per diem rate, the State chooses to recover any excess amounts previously paid by a lump sum repayment, by an installment repayment plan, or by withholding a portion of future payments to the provider, an overpayment subject to these proposed regulations would exist and the Federal

share of that amount would have to be refunded according to the provisions of sections 1903(d) (2) and (3) of the Act. Therefore, we would consider excessive provider payments attributable to rate-setting systems as overpayments subject to these proposed regulations only if recovery is pursued for discrete amounts (and not if recovery is pursued by reducing future per diem rates). We propose this policy because it would not be administratively feasible for States to adjust properly for unallowable costs under the provisions of these proposed regulations where a State pursues recovery of those amounts solely through reductions in current per diem rates.

Cases involving third party liability would not be subject to these proposed regulations since, by definition, such situations do not constitute overpayments but rather represent payments that would be allowable had another payer not been legally responsible for them. In addition, the statute clearly distinguishes third party liability situations from overpayments subject to section 1903(d)(2)(C) of the Act. Section 1903(d)(2)(B) of the Act provides that a refund to the Federal Government is not due until the State has been reimbursed by the liable third party. Section 1903(d)(2)(C) requires the State to refund the Federal share of a provider overpayment following a 60-day period, whether or not recovery has been made. Likewise, probate collections from the estates of deceased Medicaid recipients would not be subject to these proposed regulations, as they represent the recovery of payments properly made from resources later determined to be available to the State.

The Conference Report accompanying COBRA refers only to overpayments made to providers (H. Rep. No. 453, 99th Cong., 1st Sess., 548 (1985)). In view of this Congressional intent and our past practice not to consider overpayments due to recipient eligibility errors to be overpayments to providers, these proposed regulations would not be applicable to eligibility-related overpayments. The Federal share of overpayments involving recipients must be refunded immediately following discovery, as required under section 1903(d)(2)(A) of the Act, if the overpayment occurs during a period for which Medicaid Quality Control (MQC) systems are not in effect. For periods during which these systems are in effect, the Federal Government recoups recipient overpayment dollars exclusively on the basis of MQC penalties and States are not required to refund these amounts in accordance

with section 1903(d)(2)(A) of the Act. These proposed regulations also would not apply to overpayments involving administrative costs. Therefore, the Federal share of all overpayments involving administrative costs must be refunded immediately following discovery, as required by section 1903(d)(2)(A) of the Act.

#### **Discovery of Overpayments**

Overpayments are discovered in various ways: The State or a provider may recognize upon a routine review that a payment error has occurred or a Federal review may discover an overpayment that a State should have discovered but has not.

Section 1903(d)(C) of the Act allows a State 60 days from the date of discovery of an overpayment to recover or attempt to recover the overpayment from a provider before the State must refund the Federal share of the overpayment to HCFA. Since discovery signifies the date on which the 60-calendar day recovery period commences, it is necessary to establish rules of discovery.

In these regulations, we propose to provide that discovery of overpayments resulting from situations other than fraud or abuse occurs on the earliest of the following (1) The date on which any State Medicaid agency official or other State official first notifies a provider in writing of an overpayment, according to State policies and procedures, and specifies a dollar amount that is subject to recovery; (2) the date on which a provider initially acknowledges a specific overpaid amount to the State in writing; or (3) the date any State official or fiscal agent of the State initiates a formal action to recoup a specific overpaid amount from a provider without having first notified the provider in writing.

In our definition of discovery, we propose to specify that initiating a formal recoupment action substitutes for written notification by the State or provider indicating the existence of an overpayment. Some States or their fiscal agents maintain negative (credit) balance reports listing individual Medicaid providers and the amounts they owe the State (i.e., accounts receivable). Sometimes a State will initiate recoupment of an overpayment by reducing a future payment to a provider without having first given notice of its intent to do so, especially if the overpayment amount is small. The statutory purpose of discovery is to establish the starting date for an overpayment recovery period. Therefore, if an overpayment amount

has been entered on a negative balance report for the purpose of initiating recoupment without prior notice to the provider, the 60-day recovery period may be said to have begun with the negative balance report entry.

Discovery of overpayments resulting from fraud or abuse situations would occur on the date of the final written notice of an overpayment that the State sends to the provider specifying a dollar amount subject to recovery. We are proposing that discovery in fraud or abuse cases does not occur until final written notification to the provider in order to permit State officials adequate time to conduct the necessary investigations and to resolve the legal issues peculiar to these situations.

If a Federal review at any time reveals that a State has failed to discover an overpayment or has discovered an overpayment amount but failed to either (1) send written notice of the overpayment to the provider specifying a dollar amount subject to recovery under the applicable standard State policies and procedures, or (2) initiate a formal recoupment action against the provider without prior notice, under these proposed regulations we would deem discovery to have occurred on the date the Federal official first notifies the State of the overpayment in writing and specifies a dollar amount that is subject to recovery. This provision reflects our belief that failure of the State, for any reason, to discover an overpayment and either notify the provider in writing of the overpayment or initiate a formal action to recoup a specific overpaid amount from a provider without such notice does not relieve the State of its liability to refund the Federal share of the overpayment. The State must refund the Federal share of the overpayment at the end of the 60-day period after discovery by the Federal official, unless the State notifies HCFA that the debt has been discharged in bankruptcy or is otherwise uncollectable in accordance with section 1903(d)(2)(D) of the Act.

We are not proposing in the regulations to prescribe the details of the form that the State's notice to the provider must take if the State notifies the provider in writing rather than initiates a formal recoupment action without prior notice. Under the proposed regulations, written notification may indicate either a tentative or final overpayment amount to be recovered. This notification may or may not constitute a formal demand for repayment or mention any appeal rights. However, regardless of the form of the State's notice, under these proposed regulations written notification would

occur at the point where the State documents its communication by giving the provider written notice regarding a specific dollar amount subject to recovery. Similarly, the form of the notice is not prescribed when the provider prompts discovery by initiating contact with the State agency. What is significant is that the State Medicaid agency has been notified in writing of the specific overpayment subject to recovery or the provider has acknowledged a specific overpaid amount.

We believe the changes to section 1903(d) of the Act made by section 9512 of COBRA would support interpretation of the term "discovery" to mean the date on which any State official first specifies an overpayment amount for purposes of internal review and followup. However, under this interpretation, discovery could significantly pre-date written communication of the overpayment amount to the provider or initiation of a formal recoupment action without prior notice and might not afford the State sufficient time for the overpayment to be verified and the notice to be processed within the State agency or for a negative balance report entry to be made before the 60-day period begins.

A State's partial collection of an overpayment amount from a provider during the 60-day recovery period would not extend the 60-day time limit following discovery allowed the State for seeking to recover the total outstanding balance. The outstanding balance would still be due to HCFA upon expiration of the 60-day recovery period.

Sometimes, during the 60-day recovery period, a State makes a downward or upward adjustment to the overpayment amount originally communicated between the State and the provider. If these adjustments are made in accordance with the approved State plan, Federal Medicaid law and regulations, and the appeals resolution processes specified in State administrative policies and procedures, these adjustments would be subject to specific conditions: Downward adjustments to the original overpayment amount, while reducing the total dollar amount subject to State recovery, would not change the 60-day recovery period for the outstanding balance. Upward adjustment to the original overpayment amount also would not change the 60-day period for recovery of the original amount. However, the incremental amount would be subject to its own 60-day recovery period beginning on the date of the State's written notice to the

provider regarding the additional overpayment amount.

#### *Adjustments to Federal Payment*

The new section 1903(d)(2)(C) of the Act, added by section 9512 of COBRA, specifies that an adjustment in the FEP payment to the State reflecting the Federal share of the overpayment must be made at the end of the 60-day recovery period following discovery. In accordance with sections 1903(d)(2)(A) and (B) of the Act (which contain language unaffected by COBRA), States report their Medicaid expenditures quarterly (on the Form HCFA-64 Quarterly Statement of Expenditures) and FFP payments to States are adjusted through the HCFA grant award process. The HCFA-64 Quarterly Statement of Expenditures is due to HCFA 30 days after the end of each quarter. Consequently, we are proposing to require States to credit HCFA with the Federal share of overpayments on the Form HCFA-64 submitted for the quarter in which the 60-day period following discovery ends.

Requiring the credit of the Federal share of overpayments on the expenditure statement submitted for the quarter in which the 60-day period ends, rather than requiring an immediate refund, would assure consistent application of the statute and simplify the administrative process. It also may result in allowing the State more than 60 days after discovery to pursue recovery and credit HCFA with the refund. For example, if the overpayment is discovered on April 1 (the first day of the third quarter of the Federal fiscal year), the 60-day period would end May 30. However, the Form HCFA-64 for the third quarter covers the period extending to June 30. In this instance, the State would actually have 90 days after discovery before crediting HCFA with the Federal share of the overpayment. If, for example, discovery is made on May 2, the 60-day period would end on July 2 and the Federal share of the overpayment amount would not have to be reported until the submission of the expenditure statement for the fourth quarter, which ends September 30, or nearly 150 days after discovery. (Since an expenditure statement is due to HCFA 30 days after the end of each quarter, the State would, in fact, have an additional 30 days beyond the timeframes cited in the examples before actually crediting HCFA with the Federal share of the overpayment amounts.) As stated earlier, we believe this procedure is the most administratively feasible alternative which remains consistent

with the requirements of the Act for submittal of quarterly expenditure statements and subsequent adjustment of the FFP payment through the grant award process.

On occasion, it may be necessary for States to submit claims for FFP to adjust the Federal share of overpayment amounts previously credited to HCFA because of downward adjustments to the original overpayment amount based on the approved State plan, Federal Medicaid law and regulations, and the resolution processes specified in State administrative policies and procedures. Under these regulations, we propose to require States to submit these retroactive claims for FFP on the Form HCFA-64. The normal 2-year filing limit for retroactive claims would not apply to these adjustments, as downward adjustments to overpayment amounts are not retroactive claims but merely reflect the reclaiming of costs previously claimed.

For purposes of adjusting the FFP payment, the changes made to section 1903(d)(2) by section 9512 of COBRA do not require us to consider whether the State is able to recover the overpayment by the end of the 60-day period, except for uncollectable amounts discussed in the following section of this preamble. We recognize that the overpayment debt collection process followed by the State is sometimes prolonged and legally complicated. However, the plain wording of sections 1903(d)(2)(C) and (D) does not permit the Federal Government to delay adjustment to FFP by allowing the State a recovery period of more than 60 days while the State awaits the exhaustion of provider appeals or judicial review, or the execution of repayment plans. (Regulations under 45 CFR 201.66 do permit repayment of Federal funds by an installment plan in limited situations where the amount of the repayment exceeds 2½ percent of the estimated annual State share for the program. The proposed regulations in this document do not alter the provisions of § 201.66 and are compatible with that section.) In addition, as explained previously, States usually will have longer than the 60 days after discovery because of the additional 30 days allowed following the end of each quarter before the mandatory Form HCFA-64 expenditure statements are due.

It has been HCFA's longstanding position that the Federal Government's responsibility to participate financially in State Medicaid expenditures does not encompass FFP for excessive or erroneous State Medicaid expenditures. Consequently, the Federal share of

overpayments must be returned to the Federal Government within the statutorily defined timeframe because the overpayments represent excessive claims for Federal reimbursement. The Medicaid statute does not contemplate that the Federal Government absorb or share in any loss resulting from payments not made in accordance with the approved State plan, except as provided under section 1903(d)(2)(D) in cases where the overpayment is a debt that cannot be collected because the provider has gone bankrupt or the debt is otherwise uncollectable.

#### *Overpayments Involving Providers Who are Bankrupt or Out of Business*

New section 1903(d)(2)(D) of the Act, added by section 9512 of COBRA, provides that a State is not required to refund the Federal share of overpayments that constitute debts that have been discharged in bankruptcy or that are otherwise uncollectable.

Under Federal law, a debtor who files a bankruptcy petition receives an automatic stay from demands from creditors as of the day he or she files the bankruptcy petition in Federal court. Therefore, the State is prevented, as of the date of filing of the bankruptcy petition, from any recovery unless the court at a later date denies the bankruptcy petition or some portion of the debt is recovered later through a court-approved discharge of bankruptcy. Because of this automatic stay and the State's inability to recover during the period between the filing of the provider's bankruptcy petition and the court's adjudication of that petition, we propose not to require States to refund the Federal share of overpayment made to a provider declaring bankruptcy as of the date the bankruptcy petition is filed with the Federal court, provided the State is also noted as a creditor on the bankruptcy petition in the amount of the Medicaid overpayment. However, States would be required to credit HCFA with the Federal share of any overpayment amounts that they recover under a court-approved discharge of bankruptcy on the first Form HCFA-64 filed after receipt of those funds. Further, States would be required to credit HCFA with the Federal share of any overpayments to a provider whose petition for bankruptcy is denied in Federal court on the later of the next Form HCFA-64 submission following the date of the court decision or the Form HCFA-64 submission for the quarter in which the 60-day period following discovery of the overpayment ends.

On the basis of the explicit wording in the Conference Committee Report on COBRA (H.R. Rep. No. 453, 99th Cong.,

1st Sess., 548 (1985)), we propose to define debts as "otherwise being uncollectable" for purposes of these regulations strictly as debts of providers who are "out of business." A State would not be liable for the refund of the Federal share of an overpayment if the provider is out of business and the overpayment is not collectable under State law and administrative procedures. In asserting that a provider is out of business, the State would be required to document its efforts to locate the party and its assets. Such efforts would have to be consistent with applicable State law, policies, and procedures and would have to include pursuit of the party and its assets across State lines in an attempt to recover the overpayment if such action is permitted under applicable State law and administrative procedures. The State also would be required to provide an affidavit or certification from the appropriate State legal authority establishing that the provider is out of business and that the overpayment cannot be collected under State law and procedures and the effective date of that determination under State law. Transfer of ownership within the State would not exempt a State from the requirement to refund the Federal share of an overpayment, unless State law and procedures deem a provider who has transferred ownership to be out of business and preclude collection of the overpayment from the provider.

In situations in which a State is not liable for refunding the Federal share of an overpayment because the provider is either bankrupt or out of business, the State still would be required to notify the provider that an overpayment exists. If the provider files a bankruptcy petition or is certifiably out of business before the 60-day recovery period following discovery ends, the State would not be required to refund the Federal share of the overpayment on its subsequent Form HCFA-64 unless the court has denied the bankruptcy petition. If the 60-day recovery period ends before the provider files the bankruptcy petition or is certifiably out of business, the State would be required to credit HCFA with the Federal share of the overpayment on the next Form HCFA-64 submission. The State would be permitted to reclaim FFP for any unrecovered amount, citing section 1903(d)(2)(D) of the Act as authority, if, at a later date, the provider files for bankruptcy or goes out of business and the State has not been able to make complete recovery. Overpayments credited to HCFA could be reclaimed only if, prior to the date on which the

provider files the Bankruptcy petition or the date on which the provider is declared certifiably out of business, the State vigorously pursues recovery without complete success, at least according to its standard policy as prescribed in applicable State law and administrative procedures.

#### *Effective Date of Legislative Provisions*

COBRA was enacted on April 7, 1986. Nonetheless, section 9512 specifies that the provisions for the recovery of the Federal share of overpayments apply to overpayments that are identified for quarters beginning on or after October 1, 1985. Based on the language of the Conference Committee report, we are proposing to interpret overpayments that are "identified for these quarters" to mean overpayments that "occur and are discovered" during any quarter beginning on or after October 1, 1985. The date upon which an overpayment occurs would be the date upon which a State, using its normal method of reimbursement for a particular class of provider (e.g., check, interfund transfer), makes the payment involving unallowable costs to a provider. Two time periods would be involved in implementing the overpayment recovery policy:

The Federal share of overpayments that occurred in quarters before October 1, 1985 but are discovered after October 1, 1985, and for which the Federal share has not been refunded to HCFA, would have to be credited on the Form HCFA-64 submission that is due to HCFA immediately following discovery.

The Federal share of all overpayments that occur and are discovered in quarters beginning on or after October 1, 1985 would be required to be credited to HCFA on the Form HCFA-64 for the quarter in which the 60-day period following discovery ends. For the period between October 1, 1985 (the effective date of section 9512 of COBRA) and 60 days after publication of these proposed regulations as final regulations, States have been instructed, through an issuance in section 2853 of the *State Medicaid Manual*, on this method of crediting HCFA with the Federal share of overpayments for which the 60-day recovery period has ended in accordance with section 1903(d)(2)(C) of the Social Security Act. A state may be found not liable for refund of the Federal share only if the provider is found to be bankrupt or certifiably out of business (provided that the State has pursued collection without complete success at least according to its standard policy and can document these efforts).

#### *Change to Regulations*

We propose to amend the Medicaid regulations by adding a new Subpart F to 42 CFR Part 433, State Fiscal Administration, to reflect the changes made to section 1903(d)(2) of the Act by section 9512 of COBRA. Also, we would add a provision for recordkeeping requirements in accordance with established policy and procedures for the Medicaid program under 45 CFR Part 74, Subpart D.

In summary, the new subpart would include a definition of an overpayment and specify the applicability of the requirements, when discovery of an overpayment occurs, the requirements for refunds to HCFA, the exceptions to the refund requirements for overpayments to providers who are bankrupt or are out of business, how adjustments to the FFP payment are to be made, and recordkeeping requirements.

#### *Response to Public Comments*

Because of the large volume of public comments we normally receive on notices of proposed rulemaking, we cannot acknowledge or respond to them individually. However, we will consider any public comments received by the date specified in the Date section of this document and respond to them in the final regulations document that we publish.

#### *Regulatory Impact Analysis*

##### *Executive Order 12291*

Executive Order 12291 (E.O. 12291) requires us to prepare and publish an initial regulatory impact analysis for any regulations that are likely to meet the criteria for a "major rule." A major rule is one that would result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or any geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

These proposed regulations would conform the Medicaid regulations to the amendments to section 1903(d)(2) of the Social Security Act made by section 9512 of COBRA, which are already in effect.

We have determined that these proposed regulations are not a major rule. However, there will be minimal administrative costs to State Medicaid agencies in terms of developing a tracking system for identifying

overpayments made to Medicaid providers and refunding the Federal share of those overpayments in a timely manner, in accordance with the provisions of the regulations.

#### *Regulatory Flexibility Act*

We prepare and publish an initial regulatory flexibility analysis, consistent with the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 through 612) for rules unless the Secretary certifies that the rule would not have a significant economic impact on a substantial number of small entities. We have determined, and the Secretary certifies, that these proposed regulations, when published as final regulations, will not have a significant economic impact on a substantial number of small entities. These regulations will affect State agencies, which are not considered small entities, in that they are required to refund the Federal share of overpayments made to Medicaid providers. Medicaid providers will be affected indirectly by the regulations in that States will be vigorously pursuing them during the 60 days following discovery of overpayments to obtain refunds of overpaid amounts, the Federal share of which the State must refund to HCFA at the end of the 60 days. Therefore, a regulatory flexibility analysis has not been prepared.

#### *Paperwork Reduction Act*

Sections 433.316, 433.318, 433.320, and 433.322 of these proposed regulations contain information collection and recordkeeping requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. We have submitted the regulations to OMB. A notice will be published in the *Federal Register* when approval is obtained.

#### *List of Subjects in 42 CFR Part 433*

Administrative practice and procedure, Claims, Grant programs—health, Medicaid, Reporting and recordkeeping requirements.

#### **PART 433—[AMENDED]**

42 CFR Part 433 is amended as set forth below:

1. The authority citation for Part 433 is revised to read as follows:

**Authority:** Secs. 1102, 1902(a)(4), 1902(a)(18), 1902(a)(25), 1902(a)(45), 1903(a)(3), 1903(d)(2), 1903(d)(5), 1903(o), 1903(p), 1903(r), 1912, and 1917 of the Social Security Act (42 U.S.C. 1302, 1396a(a)(4), 1396a(a)(18), 1396a(a)(25), 1396a(a)(45), 1396b(a)(3), 1396b(d)(2), 1396b(d)(5), 1396b(o), 1396b(p), 1396b(r), 1396k, and 1396(p).

2. The authority statements preceding Subpart B and following §§ 433.32, 433.33, 433.34, 433.35, 433.112, and 433.116 are removed.

3. The table of contents for Part 433 is amended by adding a new Subpart F, consisting of §§ 433.300 through 433.322, to read as follows:

#### **PART 433—STATE FISCAL ADMINISTRATION**

##### **Subpart F—Refunding of Federal Share of Medicaid Overpayments to Providers**

Sec.

- 433.300 Basis.
- 433.302 Scope of subpart.
- 433.304 Definitions.
- 433.310 Applicability of requirements.
- 433.312 Basic requirements for refunds.
- 433.316 When discovery of overpayments occurs and its significance.
- 433.318 Overpayments involving providers who are bankrupt or out of business.
- 433.320 Procedures for refunds to HCFA.
- 433.322 Maintenance of records.

4. A new Subpart F, consisting of §§ 433.300 through 433.322, is added to read as follows:

##### **Subpart F—Refunding of Federal Share of Medicaid Overpayments to Providers**

###### **§ 433.300 Basis.**

This subpart implements—

(a) Section 1903(d)(2)(A) of the Act, which directs that quarterly Federal payments to the States under title XIX (Medicaid) of the Act are to be reduced or increased to make adjustment for prior overpayments or underpayments that the Secretary determines have been made.

(b) Section 1903(d)(2) (C) and (D) of the Act, which provides that a State has 60 days from discovery of an overpayment for Medicaid services to recover or attempt to recover the overpayment from the provider before adjustment in the Federal Medicaid payment to the State is made; and that adjustment will be made at the end of the 60 days, whether or not recovery is made, unless the State is unable to recover from a provider because the overpayment is a debt that has been discharged in bankruptcy or is otherwise uncollectable.

(c) Section 1903(d)(3) of the Act, which provides that the Secretary will consider the pro rata Federal share of the net amount recovered by a State during any quarter to be an overpayment.

###### **§ 433.302 Scope of subpart.**

This subpart sets forth the requirements and procedures under which States have 60 days following discovery of overpayments made to providers for Medicaid services to recover or attempt to recover that amount before the States must refund the Federal share of these overpayments to HCFA, with certain exceptions.

###### **§ 433.304 Definitions.**

As used in this subpart—  
 "Discovery" (or "discovered") means identification by any State Medicaid agency official or other State official, the Federal Government, or the provider of an overpayment, and the communication of that overpayment finding or the initiation of a formal recoupment action without notice as described in § 433.316  
 "Overpayment" means the amount paid by a Medicaid agency to a provider which is in excess of the amount that is allowable for services furnished under section 1902 of the Act and which is required to be refunded under section 1903 of the Act.

"Provider" (in accordance with § 400.203) means any individual or entity furnishing Medicaid services under a provider agreement with the Medicaid agency.

"Recoupment" means any formal action by the State or its fiscal agent to initiate recovery of an overpayment without advance official notice by reducing future payments to a provider.

"Third party" (in accordance with § 433.136) means any individual, entity, or program that is or may be liable to pay for all or part of the expenditures for medical assistance furnished under a State plan.

###### **§ 433.310 Applicability of requirements.**

(a) *General rule.* Except as provided in paragraphs (b) and (c) of this section, the provisions of this subpart apply to—

(1) Overpayments made to providers that are discovered by the State;

(2) Overpayments made to providers that are initially discovered by the provider and made known to the State agency; and

(3) Overpayments that are discovered through Federal reviews.

(b) *Third party payments and probate collections.* The requirements of this subpart do not apply to—

(1) Cases involving third party liability because, in these situations, recovery is sought for a Medicaid payment that would have been made had another party not been legally responsible for payment; and

(2) Probate collections from the estates of deceased Medicaid recipients, as they represent the recovery of

payments properly made from resources later determined to be available to the State.

(c) *Unallowable costs paid under rate-setting systems.* (1) Unallowable costs for a prior year paid to an institutional provider under a rate-setting system that a State recovers through an adjustment to the per diem rate for a subsequent period do not constitute overpayments that are subject to the requirements of this subpart. In such cases, no refund of the Federal share explicitly related to the original overpayment is required.

(2) Unallowable costs for a prior year paid to an institutional provider under a rate-setting system that a State seeks to recover in a lump sum, by an installment repayment plan, or through reduction of future payments to which the provider would otherwise be entitled constitute overpayments that are subject to the requirements of this subpart.

###### **§ 433.312 Basic requirements for refunds.**

(a) *Basic rules.* (1) Except as provided in paragraph (b) of this section, the Medicaid agency has 60 days from the date of discovery of an overpayment to a provider to recover or seek to recover the overpayment before the Federal share must be refunded to HCFA.

(2) The agency must refund the Federal share of overpayments at the end of the 60-day period following discovery in accordance with the requirements of this subpart, whether or not the State has recovered the overpayment from the provider.

(b) *Exception.* The agency is not required to refund the Federal share of an overpayment made to a provider when the State is unable to recover the overpayment amount because the provider has been determined bankrupt or out of business in accordance with § 433.318.

(c) *Applicability.* (1) The requirements of this subpart apply to overpayments made to Medicaid providers that occur and are discovered in any quarter that begins on or after October 1, 1985.

(2) The date upon which an overpayment occurs is the date upon which a State, using its normal method of reimbursement for a particular class of provider (e.g., check, interfund transfer), makes the payment involving unallowable costs to a provider.

###### **§ 433.316 When discovery of overpayments occurs and its significance.**

(a) *General rule.* The date on which an overpayment is discovered is the beginning date of the 60-calendar day period allowed a State to recover or seek to recover an overpayment before

a refund of the Federal share of an overpayment must be made to HCFA.

(b) *Requirements for notification.* Unless a State official or fiscal agent of the State chooses to initiate a formal recoupment action against a provider without first giving written notification of its intent, a State Medicaid agency official or other State official must notify the provider in writing of any overpayment it discovers in accordance with State agency policies and procedures and must take reasonable actions to attempt to recover the overpayment in accordance with State law and procedures.

(c) *Overpayments resulting from situations other than fraud or abuse.* An overpayment resulting from a situation other than fraud or abuse is discovered on the earliest of—

(1) The date on which any Medicaid agency official or other State official first notifies a provider in writing of an overpayment and specifies a dollar amount that is subject to recovery;

(2) The date on which a provider initially acknowledges a specific overpaid amount in writing to the Medicaid agency; or

(3) The date on which any State official or fiscal agent of the State initiates a formal action to recoup a specific overpaid amount from a provider without having first notified the provider in writing.

(d) *Overpayments resulting from fraud or abuse.* An overpayment that results from fraud or abuse is discovered on the date of the final written notice of the State's overpayment determination that a Medicaid agency official or other State official sends to the provider.

(e) *Overpayments identified through Federal reviews.* If a Federal review at any time indicates that a State has failed to identify an overpayment or a State has identified an overpayment but has failed to either

(1) Send written notice of the overpayment to the provider that specifies a dollar amount subject to recovery or

(2) Initiate a formal recoupment from the provider without having first notified the provider in writing, HCFA will consider the overpayment as discovered on the date that the Federal official first notifies the State in writing of the overpayment and specifies a dollar amount subject to recovery.

(f) *Effect of changes in overpayment amount.* Any adjustment in the amount of an overpayment during the 60-day period following discovery (made in accordance with the approved State plan, Federal law and regulations governing Medicaid, and the appeals

resolution process specified in State administrative policies and procedures) has the following effect on the 60-day recovery period:

(1) A downward adjustment in the amount of an overpayment subject to recovery that occurs after discovery does not change the original 60-day recovery period for the outstanding balance.

(2) An upward adjustment in the amount of an overpayment subject to recovery that occurs during the 60-day period following discovery does not change the 60-day recovery period for the original overpayment amount. A new 60-day period begins for the incremental amount only, beginning with the date of the state's written notification to the provider regarding the upward adjustment.

(g) *Effect of partial collection by State.* A partial collection of an overpayment amount by the State from a provider during the 60-day period following discovery does not change the 60-day recovery period for the original overpayment amount due to HCFA.

#### **§ 433.318 Overpayments involving providers who are bankrupt or out of business.**

(a) *Basic rules.* (1) The agency is not required to refund the Federal share of an overpayment made to a provider as required by § 433.312(a) to the extent that the State is unable to recover the overpayment because the provider has been determined bankrupt or out of business in accordance with the provisions of this section.

(2) The agency must notify the provider that an overpayment exists in any case involving a bankrupt or out-of-business provider and, if the debt has not been determined uncollectable, take reasonable actions to recover the overpayment during the 60-day recovery period in accordance with policies prescribed by applicable State law and administrative procedures.

(b) *Overpayment debts that the State need not refund.* Overpayments are considered debts that the State is unable to recover within the 60-day period following discovery if the following criteria are met:

(1) The provider has filed for bankruptcy, as specified in paragraph (c) of this section; or

(2) The provider has gone out of business and the State is unable to locate the provider and its assets, as specified in paragraph (d) of this section.

(c) *Bankruptcy.* The agency is not required to refund to HCFA the Federal share of an overpayment at the end of

the 60-day period following discovery, if—

(1) The provider has filed for bankruptcy in Federal court at the time of discovery of the overpayment or the provider files a bankruptcy petition in Federal court before the end of the 60-day period following discovery; and

(2) The State is on record with the court as a creditor of the petitioner in the amount of the Medicaid overpayment.

(d) *Out of business.* (1) The agency is not required to refund to HCFA the Federal share of an overpayment at the end of the 60-day period following discovery if the provider is out of business on the date of discovery of the overpayment or if the provider goes out of business before the end of the 60-day period following discovery.

(2) A provider is considered to be out of business on the effective date of a determination to that effect established under State law. The agency must—

(i) Document its efforts to locate the party and its assets. These efforts must be consistent with applicable State policies and procedures; and

(ii) Make available an affidavit or certification from the appropriate State legal authority establishing that the provider is out of business and that the overpayment cannot be collected under State law and procedures and citing the effective date of that determination under State law.

(e) *Circumstances requiring refunds.* If the 60-day recovery period has expired before an overpayment is found to be uncollectable under the provisions of this section, if the State recovers an overpayment amount under a court-approved discharge of bankruptcy, or if a bankruptcy petition is denied, the agency must refund the Federal share of the overpayment in accordance with the procedures specified in § 433.320.

#### **§ 433.320 Procedures for refunds to HCFA.**

(a) *Basic requirements.* (1) The agency must refund the Federal share of overpayments that are subject to recovery to HCFA through a credit on its Quarterly Statement of Expenditures (Form HCFA-64).

(2) The Federal share of overpayments subject to recovery must be credited on the Form HCFA-64 report submitted for the quarter in which the 60-day period following discovery, established in accordance with § 433.316, ends.

(3) A credit on the Form HCFA-64 must be made whether or not the overpayment has been recovered by the State from the provider.

(b) *Reclaiming overpayment amounts previously refunded to HCFA.* If the amount of an overpayment is adjusted downward after the agency has credited HCFA with the Federal share, the agency may reclaim the amount of the downward adjustment on the Form HCFA-64. Under this provision—

(1) Downward adjustment to an overpayment amount previously credited to HCFA is allowed only if it is properly based on the approved State plan, Federal law and regulations governing Medicaid, and the appeals resolution processes specified in State administrative policies and procedures.

(2) The 2-year filing limit for retroactive claims for Medicaid expenditures does not apply. A downward adjustment is not considered a retroactive claim but rather a reclaiming of costs previously claimed.

(c) *Expiration of 60-day recovery period.* If an overpayment has not been determined uncollectable in accordance with the requirements of § 433.318 at the end of the 60-day period following discovery of the overpayment, the agency must refund the Federal share of the overpayment to HCFA in accordance with the procedures specified in paragraph (a) of this section.

(d) *Court-approved discharge of bankruptcy.* If the State recovers any portion of an overpayment under a court-approved discharge of bankruptcy, the agency must refund to HCFA the Federal share of the overpayment amount collected on the next quarterly expenditure report that is due to HCFA for the period that includes the date on which the collection occurs.

(e) *Bankruptcy petition denied.* If a provider's petition for bankruptcy is denied in Federal court, the agency must credit HCFA with the Federal share of the overpayment on the later of—

(1) The Form HCFA-64 submission due to HCFA immediately following the date of the decision of the court; or

(2) The Form HCFA-64 submission for the quarter in which the 60-day period following discovery of the overpayment ends.

(f) *Reclaim of refunds.* (1) If a provider is determined bankrupt or out of business under this section after the 60-day period following discovery of the overpayment ends and the State has not been able to make complete recovery, the agency may reclaim the amount of the Federal share of any unrecovered overpayment amount previously refunded to HCFA. HCFA allows the reclaim of a refund by the agency if the agency submits to HCFA documentation that it has made reasonable efforts to obtain recovery.

(2) If the agency reclaims a refund of the Federal share of an overpayment—

(i) In bankruptcy cases, the agency must submit to HCFA a statement of its efforts to recover the overpayment during the period before the petition for bankruptcy was filed; and

(ii) In out-of-business cases, the agency must submit to HCFA a statement of its efforts to locate the provider and its assets and to recover the overpayment during any period before the provider is found to be out of business in accordance with § 433.318.

(e) *Supporting reports.* The agency must report the following information to support each Quarterly Statement of Expenditures Form HCFA-64:

(1) Amounts of overpayments not collected during the quarter but refunded because of the expiration of the 60-day period following discovery;

(2) Upward and downward adjustments to amounts credited in previous quarters;

(3) Amounts of overpayments collected under court-approved discharges of bankruptcy;

(4) Amounts of previously reported overpayments to providers certified as bankrupt or out of business during the quarter; and

(5) Amounts of overpayments previously credited and reclaimed by the State.

#### § 433.322 Maintenance of records.

The Medicaid agency must maintain a separate record of all overpayment activities for each provider in a manner that satisfies the retention and access requirements of 45 CFR Part 74, Subpart D.

(Catalog of Federal Domestic Assistance Program No. 13.714—Medical Assistance Program)

Dated: July 8, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: October 23, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-29156 Filed 12-18-87; 8:45 am]

BILLING CODE 4120-01-M

## HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

### 45 CFR Part 1803

#### Nondiscrimination on the Basis of Handicap

**AGENCY:** Harry S. Truman Scholarship Foundation.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed regulation applies to programs or activities conducted by the Harry S. Truman Scholarship Foundation the provisions of section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap.

**DATES:** To be assured of consideration, comments must be in writing and must be received on or before February 19, 1988. Comments should refer to specific sections in the regulation where appropriate.

**ADDRESSES:** Comments should be sent to: Malcolm C. McCormack, Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, DC 20006.

Comments received will be available for public inspection in 712 Jackson Place, NW., Washington, DC 20006, from 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies of this notice will be made available on tape for those with impaired vision. They may be obtained at the above address.

**FOR FURTHER INFORMATION CONTACT:** Malcolm C. McCormack, Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, DC 20006. (202) 395-4831 (voice) or Mr. Daniel A. Searing (202) 724-7678 (TDD).

**Background:** The purpose of this proposed rule is to apply to programs and activities conducted by the Harry S. Truman Scholarship Foundation ("Foundation") the provisions of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Sec. 119, Pub. L. 95-602, 92 Stat. 2982) and by the Rehabilitation Act Amendments of 1986 (Pub. L. 99-506, 100 Stat. 1810). Section 504 of the Rehabilitation Act of 1973 states that

No otherwise qualified individual with handicaps in the United States, . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments of this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after

the date on which such regulation is so submitted to such committees.

29 U.S.C. 794 (1978 amendment italicized).

This regulation has been reviewed by the Department of Justice. It is an adaptation of a prototype prepared by the Department of Justice under Executive Order 12250 (45 FR 72995, 3 CFR, 1980 Comp., p. 298) and distributed to Executive agencies.

The suggested prototype regulation has been modified to apply § 504 in the context of the Foundation's particular and limited activities. The Foundation is an independent Executive agency with a very limited statutory mandate. Its single function is "to award scholarships to persons who demonstrate outstanding potential for and who plan to pursue a career in public service." Pub. L. 93-642, 88 Stat. 2276, 20 U.S.C. 2001, 2005. Applicants are evaluated solely on the basis of their potential for leadership in public service and their academic performance. See 45 CFR 1801.21.

The Foundation has only limited contact with the public at large. All candidates for scholarships must first be nominated by their institutions of higher learning. See 45 CFR 1801.10. The Foundation reviews applications, schedules interviews with semifinalists before regional review panels, and awards scholarships based on its evaluations. See 45 CFR Part 1801.

Moreover, the Foundation has only four full-time employees and owns no offices or facilities. Its only office is a small one in space furnished by the General Services Administration and is subject to GSA's regulations. Its regional interviews are conducted in meeting rooms temporarily provided by non-federal entities.

As a result of adapting the prototype regulation to the unique posture of the Foundation, this regulation and its preamble are shorter and apply to the Foundation's programs more precisely and more meaningfully than would the prototype. This regulation has also been reviewed by the Equal Employment Opportunity Commission under Executive Order 12067 (43 FR 28967, 3 CFR, 1978 Comp., p. 206).

This regulation is not a major rule within the meaning of Executive Order No. 12291 (46 FR 13193, 3 CFR, 1981 Comp., p. 127) and, therefore, a regulatory impact analysis has not been prepared.

This regulation does not have an impact on small entities. It is not, therefore, subject to the Regulatory Flexibility Act, 5 U.S.C. 601-612.

## Section-By-Section Analysis

### Section 1803.1. Purpose.

Section 1803.1 states the purpose of the proposed rule.

### Section 1803.2. Application.

The proposed regulation applies to all programs or activities conducted by the Foundation.

### Section 1803.3. Definitions.

The definitions are self-explanatory, and are drawn mostly from the prototype regulation. Note particularly, however, the following:

The definition of "qualified individual with handicaps" adopts the existing definition of "qualified handicapped person" with respect to services in the coordination regulation for programs receiving Federal financial assistance. 28 CFR 41.32(b). Under this definition, a qualified individual with handicaps is an individual with handicaps who meets the essential eligibility requirements for participation in the program or activity. With regard to Foundation awarded scholarships, superior academic performance is one of the essential eligibility requirements. Cf. *Southeastern Community College v. Davis*, 442 U.S. 397 (1979).

The definition of "section 504" makes clear that, as used in this regulation, "section 504" applies only to programs or activities conducted by the Foundation and not to federally assisted programs or activities.

### Section 1803.4. Self-evaluation.

The self-evaluation requirement is patterned on similar requirements in section 504 regulations for federally assisted programs.

### Section 1803.5. Notice.

Section 1803.5 requires the Foundation to disseminate sufficient information to employees, applicants, participants, beneficiaries, and other interested persons to apprise them of rights and protections afforded by section 504 and this regulation. Methods of providing this information may include the publication of such information in Foundation pamphlets and other publications.

### Section 1803.6. General prohibitions against discrimination.

Section 1803.6 is an adaptation of the corresponding section of the section 504 coordination regulation applicable to programs or activities receiving Federal financial assistance. See 28 CFR 41.51. Paragraph (a) restates the nondiscrimination mandate of section 504. Paragraph (b) establishes the

general principles for analyzing whether any particular Foundation action violates this mandate. Paragraph (c) assures that methods of administration which appear neutral on their face do not work to deny qualified individuals with handicaps an effective opportunity to participate in the Foundation's activities. Paragraph (d) requires the Foundation to the greatest feasible extent to administer its programs and activities in a setting integrated to the needs of qualified individuals with handicaps, i.e., in a setting that enables individuals with handicaps to interact with nonhandicapped persons to the fullest practicable extent.

### Section 1803.7. Program accessibility: existing facilities.

Paragraph (a) requires that the agency's program or activity, when viewed in its entirety, be readily accessible to and usable by qualified individuals with handicaps. It also makes clear that the agency is not required to make each of its existing facilities accessible. (§ 1803.7(a)).

The Foundation, as already noted, is a small agency that relies on the General Services Administration and others to provide its small regular offices and its occasional meeting places. Paragraph (b) requires the Foundation to request GSA to make any structural changes that the Foundation determines are necessary to ensure accessibility for individual(s) with handicaps to the Foundation programs or activities.

Paragraph (c) assures qualified individual(s) with handicaps access to programs and activities conducted in other buildings made temporarily available for Foundation use. Paragraph (d) outlines how this section will be administered.

Provisions concerning a "time period for compliance" and a "transition plan" included in other prototype section 504 regulations have been omitted as being unnecessary to the Foundation's present and contemplated programs and activities.

### Section 1803.8. Program accessibility: new construction and alterations.

Section 1803.8 adopts the language of the prototype regulation concerning new construction and alterations, although the likelihood of the Foundation ever undertaking such new construction or alterations is remote.

### Section 1803.9. Employment.

Section 1803.9 prohibits employment discrimination on the basis of handicap. Consistent with the decision in *Prewitt v. United States Postal Service*, 662 F.2d

292 (5th Cir. 1981), this section provides that the standards, requirements and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as elaborated in regulations of the Equal Employment Opportunity Commission ("EEOC") at 29 CFR Part 1613, are applicable under section 504 to employment by the Foundation.

#### *Section 1803.10. Communications.*

Section 1803.10 recognizes the Foundation's commitment to assuring that interested persons, including those with impaired vision or hearing, can communicate with the Foundation and obtain information about the Foundation's programs and about their rights under this regulation. Auxiliary aids will be used in the scholarship interview process where necessary and use of a telecommunications device for deaf persons will be obtained as necessary to communicate with the Foundation's administrative office. Paragraph (b) requires the Foundation to take appropriate steps to inform individuals with handicaps of their section 504 rights under the Foundation's programs or activities. The Foundation's obligations are limited, however, by paragraph (c) of this section. See *Southeastern Community College v. Davis*, 442 U.S. 397 (1979).

#### *Section 1803.12. Compliance procedures.*

Paragraph (a) specifies that paragraphs (c) through (1) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the Foundation will process employment complaints according to procedures established in existing regulations of the EEOC (29 CFR Part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

Paragraph (d) requires the Foundation to accept and investigate all complete complaints over which it has jurisdiction. If the agency determines that it does not have jurisdiction over a complaint, it shall promptly notify the complainant, and make reasonable efforts to refer the complaint to the appropriate government entity.

Paragraph (g) requires the Foundation to provide the complainant with the results of the investigation, along with a description of the remedy, and notice of the right to appeal, in writing.

#### **List of Subjects in 45 CFR Part 1803**

Blind, Civil rights, Deaf, Disabled, Discrimination against handicapped, Equal employment opportunity, Federal buildings and facilities, Handicapped,

Nondiscrimination, Physically handicapped.

For the reasons set forth in the preamble, Chapter XXVIII of Title 45 of the Code of Federal Regulations, entitled "Harry S. Truman Scholarship Program," is proposed to be amended by adding Part 1803 as follows:

#### **PART 1803—NONDISCRIMINATION ON THE BASIS OF HANDICAP**

Sec.

1803.1 Purpose.

1803.2 Application.

1803.3 Definitions.

1803.4 Self-evaluation.

1803.5 Notice.

1803.6 General prohibitions against discrimination.

1803.7 Program accessibility: Existing facilities.

1803.8 Program accessibility: New construction and alterations.

1803.9 Employment.

1803.10 Communications.

1803.11 Compliance procedures.

Authority: 29 U.S.C. 794.

##### **§ 1803.1 Purpose.**

This part effectuates section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by executive agencies.

##### **§ 1803.2 Application.**

This part applies to all programs or activities conducted by the Foundation, except for programs or activities conducted outside the United States that do not involve individual(s) with handicaps in the United States.

##### **§ 1803.3 Definitions.**

For purposes of this part, the term—"Assistant Attorney General" means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities conducted by the Foundation.

"Complete complaint" means a written statement containing:

(1) Date and nature of the alleged violation of section 504;

(2) The complainant's name and address; and

(3) The signature of the complainant or of someone authorized to act on his or her behalf.

Complaints filed on behalf of classes or third parties shall describe or identify,

by name if possible, the alleged victims of discrimination.

"Executive Secretary" means the Executive Secretary of the Harry S. Truman Scholarship Foundation.

"Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

"Foundation" means the Harry S. Truman Scholarship Foundation.

"General Counsel" means the General Counsel of the Harry S. Truman Scholarship Foundation.

"Individual with handicaps" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

As used in this definition, the phrase:

(1) "Physical or mental impairment" includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(2) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the Foundation as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits

major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition, but is treated by the Foundation as having such an impairment.

"Qualified individual with handicaps" means an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, any Foundation program or activity. For purposes of employment, "qualified individual with handicaps" means "qualified handicapped person" as defined in 29 CFR 1613.702(f), which is made applicable to this part by § 1803.10.

"Section 504" means section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 88 Stat. 1617; the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95-602, 92 Stat. 2955; and by the Rehabilitation Act amendments of 1986, Pub. L. 99-506, 100 Stat. 1810. As used in this part, section 504 applies only to programs or activities conducted by the Foundation and not to federally assisted programs.

#### § 1803.4 Self-evaluation.

(a) The Foundation shall, within one year of the effective date of this part, evaluate, with the assistance of interested persons, including individuals with handicaps or organizations representing individuals with handicaps, its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part, and, to the extent modification of any such policies and practices is required, the Foundation shall proceed to make the necessary modification.

(b) The Foundation shall, for at least three years following completion of the evaluation required under paragraph (a) of this section, maintain on file and make available for public inspection—

- (1) A description of areas examined and any problems identified; and
- (2) A description of any modifications made

#### § 1803.5 Notice.

The Foundation shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the programs or activities conducted by the Foundation as the Executive Secretary finds necessary to apprise such persons of the

protections against discrimination assured them by section 504 of this regulation.

#### § 1803.6 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity subject to this part.

(b) The Foundation may not, either directly or through arrangements with others, on the basis of handicap—

(1) Discriminate against a qualified individual with handicaps in the award or renewal of scholarships, through selection criteria or otherwise;

(2) Deny a qualified individual with handicaps the opportunity to participate as a member of boards or panels used to screen scholarship applicants;

(3) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards; or

(4) Otherwise subject a qualified individual with handicaps to discrimination.

(c) The Foundation may not, either directly or through arrangements with others, utilize criteria or methods of administration the purpose or effect of which would—

(1) Subject qualified individuals with handicaps to discriminate on the basis of handicap; or

(2) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(d) The Foundation shall administer programs and activities in the most feasibly integrated setting appropriate to the needs of qualified individuals with handicaps.

#### § 1803.7 Program accessibility: Existing facilities.

(a) The Foundation shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This paragraph does not necessarily require the Foundation to make each of its existing facilities accessible to and usable by individuals with handicaps, but no qualified individual with handicaps shall be denied the benefit of, be excluded from participation in, or otherwise be subjected to discrimination under any of the Foundation's programs and activities because any of the Foundation's facilities are inaccessible to or unusable by individuals with handicaps.

(b) When the Foundation uses facilities leased or otherwise provided by the General Services Administration (GSA), it shall request GSA to make any structural changes that the Foundation determines are required to provide necessary accessibility for individuals with handicaps, and shall inform that agency of any complaints regarding accessibility by individuals with handicaps.

(c) The Foundation periodically uses meeting rooms or similar facilities made available by non-federal entities. In any instances in which such temporarily used facilities are not readily accessible to qualified individuals with handicaps, the Foundation shall make alternative arrangements so that such qualified individuals with handicaps can participate fully in the Foundation's activity.

(d) This section does not require the Foundation to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where Foundation personnel believe that the proposed action would fundamentally alter a program or activity or would result in undue financial and administrative burdens, the Foundation has the burden of proving that compliance with paragraph (a) of this section would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Executive Secretary after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the Foundation shall take other action not resulting in such an alteration or such burdens, but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits, and services of the programs or activities.

#### § 1803.8 Program accessibility: new construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the Foundation shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements, and standards of the Architectural Barriers Act (42 U.S.C. 4151-4157), as established in 41

CFR 101-19.600 to 101-19.607, apply to buildings covered by this section.

#### § 1803.9 Employment.

No qualified individual with handicaps shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the Foundation. The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in Federally conducted programs or activities.

#### § 1803.10 Communications.

(a) The Foundation shall take appropriate steps to assure that interested persons, including persons with impaired vision or hearing, can effectively communicate with the Foundation and obtain information as to the existence and availability of the Foundation's programs and activities.

(1) The Foundation shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in the scholarship interview process or other programs or activities conducted by the Foundation.

(i) In determining what type of auxiliary aid is necessary, the Foundation shall give primary consideration to the requests of the individual with handicaps.

(ii) The Foundation need not provide individually prescribed devices or other devices of a personal nature.

(2) Where the Foundation communicates with applicants and beneficiaries by telephone, a telecommunication device for deaf persons or equally effective telecommunication device shall be used.

(b) The Foundation shall take appropriate steps to provide individuals with handicaps with information regarding their section 504 rights under the Foundation's programs or activities.

(c) This section does not require the Foundation to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where Foundation personnel believe that the proposed action would fundamentally alter a program or activity or would result in undue financial and administrative burdens, the Foundation has the burden of proving that compliance with paragraphs (a) and (b) of this section would result in such alteration or burdens. The decision that compliance

would result in such alteration or burdens must be made by the Executive Secretary after considering all Foundation resources available for use in the funding and operation of a conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the Foundation shall take other action not resulting in such an alteration or such burdens, but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the programs or activities.

#### § 1803.11 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the Foundation.

(b) The Foundation shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) Responsibility for implementation and operation of this section shall be vested in the Executive Secretary.

(d) The Foundation shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The Foundation may extend this time period for good cause.

(e) If the Foundation receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The Foundation shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is used by the Foundation that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157), or section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), is not readily accessible to and usable by individuals with handicaps.

(g) The Foundation shall notify the complainant of the results of the investigation within 90 days of the receipt of a complete complaint over which it has jurisdiction. Notification must be in a letter, and must include—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation discovered; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by paragraph (f) of this section. The Foundation may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the General Counsel.

(j) The Foundation shall notify the complainant of the results of the appeal within 90 days of the receipt of the request. If the Foundation determines that it needs additional information from the complainant, it shall have 90 days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in paragraphs (g) and (h) of this section may be extended with the permission of the Assistant Attorney General.

(l) The Foundation may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated.

Malcolm M. McCormack,  
Executive Secretary.

Dated: December 1, 1987.

[FR Doc. 87-29067 Filed 12-18-87; 8:45 am]

BILLING CODE 9500-01-M

## DEPARTMENT OF THE INTERIOR

### 48 CFR Parts 1409, 1415 and 1452

#### Department of the Interior Acquisition Regulations; Formal Source Selection Procedures; Organizational Conflicts of Interest

AGENCY: Department of the Interior.

ACTION: Proposed rule.

**SUMMARY:** This rule would amend the Department of the Interior Acquisition Regulation to establish procedures for formal source selection. This rule would also add coverage on organizational conflicts of interest pertaining to automatic data processing systems acquisitions.

**DATE:** Comments must be received on or before February 19, 1988.

**ADDRESS:** Interested parties may obtain copies of the proposed source selection handbook referenced in this rule from the Acquisition and Assistance Division, Office of Acquisition and Property Management, Department of the

Interior, Room 5526, Washington, DC 20240. Written comments on the proposed rule and handbook should be submitted to the above address.

**FOR FURTHER INFORMATION CONTACT:**

Mr. William Opdyke, Chief, Acquisition and Assistance Division, Office of Acquisition and Property Management, Department of the Interior, Washington, DC 20240, telephone (202) 343-3433.

**SUPPLEMENTARY INFORMATION:** This proposed rule concerns internal agency procedures for source selection in certain acquisitions conducted using competitive proposals and further implements the source selection policies and procedures prescribed by Federal Acquisition Regulation Subpart (FAR) 15.6. This rule also implements FAR 9.505 regarding limitations on future contracting for ADP systems in order to resolve organizational conflicts of interest.

**Primary Author**

The primary author of this rule is Mr. William Opdyke, Office of Acquisition and Property Management, telephone (202) 343-3433.

**Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act**

The Department has determined that this rule is not a major rule under Executive Order 12291 since it proposes to impose future contracting limitations only on those contractors which developed specifications for ADP systems under previous contracts.

Such action is required in order to prevent organizational conflicts of interest and to implement the requirements of FAR Subpart 9.5. The Department also certifies that this rule will not have a significant economic effect on a substantial number of small entities or other parties eligible to contract with the Department since it will only affect those contractors which agree, by entering into contracts for development of ADP system specifications, not to compete on future data systems containing such specifications without required approvals.

This rule does not contain any new information collection requirements.

**List of Subjects in 48 CFR Parts 1409, 1415 and 1452**

Government procurements.

For the reasons set out in the preamble, Chapter 14 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

Date: November 13, 1987.

Joseph W. Gorrell,  
*Principal Deputy Assistant Secretary of the Interior.*

**PARTS 1409, 1415 AND 1452—  
[AMENDED]**

1. The authority citation for 48 CFR Parts 1409, 1415, and 1452 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c), and 5 U.S.C. 301.

2. A new Subpart 1409.5 is added to read as follows:

**PART 1409—CONTRACTOR  
QUALIFICATIONS**

\* \* \* \* \*

**Subpart 1409.5—Organizational Conflicts of Interest**

Sec.

1409.505 General.

1409.505-2 Preparing specifications or work statements.

1409.508 Solicitation provision and contract clause.

**Subpart 1409.5—Organizational  
Conflicts of Interest**

1409.505 General.

1409.505-2 Preparing specifications or work statements.

(a) In accordance with the requirements of Part 306, Chapter 4 of the Department Manual (306 DM 4), it is the policy of the Department that any contractor or subcontractor which prepared and furnished specifications (including mandatory requirements or evaluated optional features as defined in Federal Information Resources Management Regulation 201-2.001) to be used by a bureau or office in a competitive acquisition for an automatic data processing system is ineligible to furnish this system, either as a contractor or subcontractor, except with the written approval of the Assistant Secretary—Policy, Budget, and Administration.

(b) Request for exceptions to the policy in paragraph (a) above shall be submitted by head of the contracting activity, through the Assistant Solicitor—Procurement and Patents, to the Director, Office of Information Resources Management for further action. Each request shall include—

(1) An analysis of the facts involving the actual or potential conflict of interest, including a complete description of the contract under which the specifications were developed and the contract under which the exception is requested;

(2) A discussion of the actions to be taken for avoiding, neutralizing, or mitigating the conflict,

(3) An analysis of benefits and detriments to the Government if the exception is approved;

(4) An analysis of benefits and detriments to the Government if the exception is not approved; and

(5) A statement regarding why approval of the exception would be in the best interests of the Government.

**1409.508 Solicitation provision and contract clause.**

(a) The contracting officer shall insert the clause at 1452.209-70, Limitation of Future Contracting—Automatic Data Processing, in all solicitations and contracts for preparation and delivery of specifications, including mandatory requirements and evaluated optional features, for use in acquiring automatic data processing systems.

(b) The contracting officer shall insert the clause at 1452.209-71, Organizational Conflicts of Interest—Automatic Data Processing, in all solicitations and contracts for automatic data processing systems which utilize, or are based on, specifications, (including mandatory requirements and evaluated optional features) prepared and delivered under a previous contract (to be identified in paragraph (a) of the clause).

**PART 1415—CONTRACTING BY  
NEGOTIATION**

(3). Section 1415.612 is added to Subpart 1415.6 to read as follows:

**1415.612 Formal source selection.**

(a) Except as provided in paragraph (b) below, the procedures contained in the "Department of the Interior Source Evaluation Board Handbook" shall be used in the conduct of competitive negotiated acquisitions when:

(1) The estimated cost of the acquisition, including options, is significant in relation to the bureau's annual acquisition budget or involves a multiple year, long-term contractual relationship; and

(2) The acquisition is of a highly sensitive nature or of critical importance in fulfilling a bureau mission need and warrants the direct attention or participation of bureau senior management in the acquisition process; or

(3) Bureau procedures prescribe use for certain types of competitive negotiated acquisitions; or

(4) The head of the contracting activity determines that use is appropriate for a particular acquisition.

(b) The following acquisitions are not subject to the procedures in this section:

(1) Any acquisition using sealed bids under FAR Part 14;

(2) Any acquisition using competitive proposals under FAR Part 15 where price or cost to the Government is the sole or principal evaluation factor (i.e., the cost/price factor weight is 90 to 100 percent of the total weight); and

(3) Any acquisition for architect-engineering services under FAR Subpart 36.6.

(c) Acquisitions subject to the procedures in paragraph (a) shall be determined by the head of the contracting activity and identified in the advance procurement summary report required by Part 404, Chapter 6 of the Departmental Manual (404 DM 6). Each identified acquisition shall be accompanied by an individual contract plan when the summary report is submitted to the Director, Office of Acquisition and Property Management. When action is initiated on each such acquisition, copies of the following documents shall be promptly forwarded to the Director, Office of Acquisition and Property Management:

(1) Any redelegation of authority made pursuant to paragraph (d);

(2) Memorandum establishing the Source Evaluation Board;

(3) Source Selection Plan; and

(4) Source Selection Statement.

(d) For acquisitions conducted under this section, the Source Selection Authority shall be the head of the contracting activity. This authority may be redelegated in accordance with bureau procedures approved by the Director, Office of Acquisition and Property Management.

(e) Copies of the handbook referenced in paragraph (a) may be obtained upon request from the Office of Acquisition and Property Management, Office of the Secretary, U.S. Department of the Interior, Washington, DC 20240.

#### **PART 1452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

4. Sections 1452.209-70 and 1452.209-71 are added to read as follows:

##### **1452.209-70 Limitation on Future Contracting—Automatic Data Processing.**

As prescribed in 1409.508(a), insert the following clause in all solicitations and contracts for preparation and delivery of specifications, including mandatory requirements and evaluated optional features, for use in acquiring automatic data processing systems:

##### **Limitation on Future Contracting—Automatic Data Processing—Department of the Interior ( 87)**

(a) This contract includes requirements for the preparation and delivery of specifications, which may include mandatory requirements and evaluated optional features as defined in Federal Information Resources Management Regulation 201-2.001, for use in a future solicitation for competitively acquiring an automatic data processing (ADP) system.

(b) Pursuant to Department of the Interior Acquisition Regulation 1409.505-2, it has been determined that performance of this contract may give rise to an organizational conflict of interest if the contractor is permitted to furnish the ADP system which utilizes, or is based on, specifications prepared and furnished by this contractor under the contract. Accordingly, the attention of all prospective offerors is invited to FAR Subpart 9.5—Organizational Conflicts of Interest.

(c) The nature of the organizational conflict involves the potential for the contractor, in performing the work under this contract, to gain an unfair competitive advantage over other sources with respect to furnishing the ADP system under a future acquisition.

(d) The contractor agrees to remain ineligible as a prime contractor or subcontractor to perform the work to be described in any future solicitation(s) for an ADP system which uses, or is based on, the specifications developed under this contract.

(e) The restriction in paragraph (d) above may be waived only upon the written approval of the Assistant Secretary—Policy, Budget, and Administration. Requests for waiver shall be submitted to the contracting officer and contain sufficient information to demonstrate how the potential for conflict of interest will be avoided, neutralized or mitigated.

(f) The contractor agrees to include the provisions of this clause including this paragraph (f) in each subcontract awarded under this contract for preparation and delivery of the specifications described in paragraph (a).

(End of clause)

##### **1452.209-71 Organizational Conflicts of Interest—Automatic Data Processing.**

As prescribed in 1409.508(b), insert the following clause in all solicitations and contracts for automatic data processing systems which utilize specifications, including mandatory requirements and evaluated option features, prepared and delivered under a previous contract (to be identified):

##### **Organizational Conflicts of Interest—Automatic Data Processing—Department of the Interior ( 87)**

(a) The solicitation contains specifications, including mandatory requirements and evaluated optional features as defined in Federal Information Resources Management Regulation 201-2.001, which were furnished, or are based on work performed, under contract (contract number) with (name of contractor and address).

(b) Pursuant to the requirements of FAR Subpart 9.5 and Department of the Interior Acquisition Regulation 1409.505-2, (name of contractor) and any of its subcontractors which furnished specifications of the type specified in paragraph (a) above in contract number are ineligible to participate in this acquisition except with the written approval of the Assistant Secretary—Policy, Budget, and Administration.

(c) Requests for exception to the restrictions in paragraph (b) above shall be made in writing to the contracting officer and contain sufficient information to demonstrate how the potential for conflict of interest will be avoided, neutralized or mitigated if the contractor or subcontractor is allowed to participate.

(d) The contractor agrees that if after award it discovers an organizational conflict of interest with respect to this contract, an immediate and full disclosure shall be made in writing to the contracting officer and a request for exception under paragraph (c) above shall be included. Based upon such disclosure and request, the contracting officer may terminate the contract for convenience if such action is determined to be in the Government's best interest.

(e) In the event the contractor was aware of an organizational conflict of interest prior to award of this contract and did not request an exception under paragraph (c) above, the contracting officer may terminate this contract for default.

(f) The contractor agrees to include the provisions of this clause including this paragraph (f) in each subcontract awarded under this contract for preparation and delivery of the specifications described in paragraph (a) above.

(End of clause)

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#### **DEPARTMENT OF COMMERCE**

##### **National Oceanic and Atmospheric Administration**

##### **50 CFR Parts 611, 672, and 675**

[Docket No. 71267-7267]

##### **Foreign Fishing; Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Proposed rule.

**SUMMARY:** NOAA issues a proposed rule to implement Amendment 16 to the Fishery Management Plan (FMP) for the Groundfish of the Gulf of Alaska and Amendment 11a to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. Proposed regulatory changes would, if approved, (1) require catcher/processor and mothership processor vessels operating

in the Gulf of Alaska and in the Bering Sea and Aleutian Islands area to maintain aboard a transfer log and to report information weekly about groundfish production and transfers and off-loading of groundfish products; (2) respecify prohibited species for domestic and foreign fisheries of the Gulf of Alaska and three other categories of species in the Gulf of Alaska foreign fisheries; (3) remove the reserve category for some species of groundfish in the Gulf of Alaska; (4) rename target quotas (TQ) as total allowable catches (TAC) for groundfish of the Gulf of Alaska; (5) change the starting date of the public comment period for proposed annual specifications for the Gulf of Alaska; and (6) expressly authorize inseason reapportionments of domestic annual processing to joint venture processing for the Gulf of Alaska. The regulations implementing these amendments are intended to promote full accounting of groundfish catches in both management areas and to make clear the species in the Gulf of Alaska that are considered to be prohibited species. These regulatory changes are necessary to adjust to the changing nature of the Alaska groundfish fisheries that are being increasingly dominated by U.S. fishermen.

**DATE:** Written comments must be received on or before Saturday, January 30, 1988.

**ADDRESSES:** Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802-1668. Copies of the amendments and their environmental assessment and regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907-274-4563. Comments on the environmental assessment prepared for this action are particularly requested.

Comments on the information collection requirement of this rule should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for NOAA.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Berg (Fishery Biologist, NMFS), 907-586-7230.

**SUPPLEMENTARY INFORMATION:** Domestic and foreign groundfish fisheries in the exclusive economic zones (EEZ) of the Gulf of Alaska (GOA) and of the Bering Sea and Aleutian Islands are a (BSAI) are managed in accordance with the two

FMPs, which were developed by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), and implemented by regulations appearing at 50 CFR 611.92 and 611.93 and Parts 672 and 675.

The Council invited management proposals from the general public, other agencies, and the two FMP Plan Teams, and set a deadline of December 12, 1986, for receiving proposals that would amend the FMPs for Groundfish of the Gulf of Alaska and for the Groundfish Fishery of the Bering Sea and Aleutians Islands Area.

Proposals received by the deadline were ranked by the Council's Plan Teams for the two FMPs. The Plan Teams prepared draft EA/RIR/IRFAs for the proposals for public comment as required by the National Environmental Policy Act of 1969, Executive Order 12291, and NOAA policy. The Council reviewed these documents at its March 18-20, 1987, meeting and decided to release for public comment the analyses of those proposals that the Council determined should be considered further. At its May 20-22, 1987, meeting, the Council considered public testimony and the recommendations of its Advisory Panel (AP), Scientific and Statistical Committee (SSC), and the Plan Teams.

Common to both FMPs were proposals to change current reporting requirements of catcher/processor and mothership processor vessels. Certain segments of the industry considered the changes to be too burdensome, and they opposed them. In view of this opposition, the Council decided not to take action on the changes to reporting requirements for either of the FMPs during its May 20-22, 1987, meeting. Instead, the Council appointed a subcommittee to work with NMFS to develop reporting requirements that would be acceptable to the industry, but which would also meet the needs of NMFS to account for total groundfish catches. The Council set aside the reporting requirements of Amendment 11 to the BSAI FMP, adopted the remainder, and sent that part of the amendment forward for review by the Secretary of Commerce. Therefore, the current amendment to the BSAI FMP being proposed in this action is numbered Amendment 11a. The Council also deferred further action on all parts of Amendment 16 to the GOA FMP until its September 23-25, 1987, meeting to allow the subcommittee time to complete its assignment concerning the reporting requirements and until it could

review the newly reorganized text of the GOA FMP.

At its September 23-25, 1987, meeting, the Council adopted the recommendations of its subcommittee on reporting requirements and reviewed the other parts of GOA Amendment 16. On the basis of advice from the AP and the SSC, and public testimony, the Council approved for submission to the Secretary of Commerce the following parts of Amendment 16 to the GOA FMP: (1) Reorganized FMP text to make it easier to read and implement, including changing the term "target quota" to "total allowable catch"; (2) added a new definition of acceptable biological catch (ABC); (3) added a new section to the FMP on vessel safety; and (4) changed reporting requirements. The changes to reporting requirements adopted by the Council are the same as those in Amendment 11a to the BSAI FMP.

A description of and the reasons for the two management proposals that would be implemented by this proposed rule are as follows:

1. Changes in reporting requirements for catcher/processor and mothership processor vessels—regulations governing both the Gulf of Alaska and Bering Sea-Aleutians Islands Area.

Current regulations require operations of catcher/processor and mothership processor vessels to (1) notify the Regional Director of the times and positions of fishing activity when such vessels start or stop fishing activity and (2) submit to the Regional Director weekly groundfish catch and receipt reports. These regulations, which implement Amendment 14 to the GOA FMP and Amendment 10 to the BSAI FMP, are found at §§ 672.5(a)(3) and 675.5(a)(3), respectively (50 FR 43193, October 24, 1985; and 52 FR 8592, March 19, 1987).

NMFS uses the weekly catch and receipt reports during management of the groundfish fisheries as they progress during the fishing season. These reports are considered to be estimates of the amounts of groundfish caught and/or received, and are not in lieu of the requirements for submission to the Alaska Department of Fish and Game of State of Alaska fish tickets, which serve as the official confirmation report of groundfish caught and/or received. When catcher/processor and mothership processor vessels land their catches shoreside, the accuracy of catch information reported on State of Alaska fish tickets, which can be verified by observing the off-loading, shorting, and weighing of the catch at processing establishments, is used to confirm the

earlier submitted weekly catch and receipt reports. In this manner, NMFS is able to guard against gross under-reporting of catch or misrepresentation of the species caught.

Catcher/processor and mothership processor vessels often transfer of off-load groundfish products at sea for direct transshipment to destinations in the United States or to foreign nations. Groundfish products may never come ashore where NMFS can verify the accuracy of the reported catch, and no system exists to verify the accuracy of either the State fish tickets or the weekly catch reports submitted by catcher/processor and mothership processor vessels. Thus, NMFS is unable to enforce effectively those regulations, such as bycatch restrictions and quotas, that require an accurate accounting of the amounts of each groundfish species harvested. Accurate accounting by NMFS is necessary for management of the groundfish resources.

Quantities of fish being harvested and/or processed off Alaska by U.S. catcher/processor and mothership processor vessels are increasing with market demand and the growth in numbers of U.S. vessels. Groundfish catches by all U.S. vessels in 1987 reached 306,000 metric tons (mt) as compared to 144,000 mt in 1986 (excluding catches by joint venture operations). About 58 percent of the total, or 178,000 mt, was taken by catcher/processor and mothership processor vessels. In 1988, these quantities will increase markedly. More quantities of groundfish products, therefore, will be transferred or off-loaded at sea for direct transshipment to destinations, which will further reduce accurate accounting by NMFS. Therefore, NMFS has a need for operators of catcher/processor and mothership processor vessels to maintain onboard a Cargo Transfer/offloading Log, in which records of groundfish transfers or off-loadings can be kept.

NMFS also has a need to receive current reports of processed groundfish products that were transferred or off-loaded at sea. Such reports would provide an accurate baseline against which to compare amounts of product aboard vessels during boarding inspections. Thus, inspections could be conducted more efficiently, which would benefit fishermen and processors who otherwise could lose work time caused by an inefficient inspection. Current reports are also necessary to verify actual results of at-sea transfers and off-loadings of product. Otherwise, vessel

operators could subsequently change the onboard transfer log for economic gain.

The Council, therefore, proposes more effectively to manage the groundfish fisheries by requiring catcher/processor and mothership processor vessels to maintain aboard a Cargo Transfer/Offloading Log and to report transferred or off-loaded products on a Product Transfer Report as follows:

A. New requirement for an onboard Cargo Transfer/Offloading Log. Operators of catcher/processor and mothership processor vessels will be required to maintain aboard their vessels a Cargo Transfer/Offloading Log. For each transfer or off-loading of any fishery product from a regulated vessel in the EEZ, outside the EEZ, within any States' territorial waters, or within the internal waters of any State, the Cargo Transfer/Offloading Log will contain the following information: (1) The time, date, and location of the transfer of off-loading; (2) the product weight and product type, by species or species group; (3) the name and permit number of the vessel receiving the product or, if to a shoreside location, the name of the location and commercial facility receiving the product; and (4) the intended port or destination of the receiving vessel if transferred to another vessel.

If either a catcher/processor or mothership processor vessel were to receive product from another vessel it must be logged in as being "received". This is necessary for at-sea inspections. If product were not logged, the vessel would appear to be under-logging its catch (i.e., product that is not accounted for in the weekly catch/receipt reports). Vessels receiving product, such as a refrigerated transport vessel, are not required to maintain the Cargo Transfer/Offloading Log unless they are also operating as a catcher/processor or mothership/processor.

B. *New requirement of reports of transferred product weight.* Operators of catcher/processor and mothership processor vessels will be required to submit a Product Transfer Report. This report will be required for any Sunday through Saturday period if a transfer were made. It must include the product weight and the number of cartons transferred or off-loaded by product type by species or species group.

Part of the recommendations made by the Council's appointed subcommittee and adopted by the Council for inclusion in Amendments 16 and 11a included a requirement for operators of catcher/processor and mothership processor vessels to report information on the number of cartons and the

representative weight of a carton by product type. The subcommittee intended that NMFS should use this information to compare currently reported round weights of groundfish caught or received to build a database for future use in determining conversion rates from round weight to product weight.

Vessel operators do not weigh the raw groundfish catch prior to processing it. They determine round weight by counting product weight and converting the product weight back to round weight by use of product recovery rates determined by the vessel operator. The reporting of product weight and carton number simply identifies the operator's basis for determining round weight. The inclusion of product weight and carton numbers is largely at the request of industry representatives who wish to clarify the basis for their round weight determinations. To accurately report round weight requires vessel operators to use an accurate product recovery rate, which they have determined on a seasonal and geographic basis as opposed to any arbitrary rates that the government might set at this time. Fishermen are very familiar with the conversion methods and accounting employed in the proposed system.

Thus, these new reporting requirements will allow NMFS to acquire information on conversion factors representing many fishing seasons, product types, and fishing areas. Once the degree of variability is understood, NMFS will be better able to compare processed amounts in vessels' holds with reported catches to determine accuracy of reported catches. NMFS would better understand production aboard vessels to determine whether gross violations in reporting had occurred.

The Council believes that this information would effectively improve management of the groundfish fisheries over the long term and proposes changes in the current requirements for weekly catch reports by catcher/processor and mothership processor vessels as follows:

The presently required weekly catch report by catcher/processor and mothership processor vessels would be renamed "Weekly Catch/Receipt and Production Report". In addition to other currently required information, the proposed regulation would require information on the number of cartons and unit net weight of a carton of processed fish by species or species group.

The Council finds that the above changes in reporting requirements will

markedly increase NMFS's ability to meet its groundfish management responsibilities. The Cargo Transfer/Offloading Log would be a permanent record maintained aboard the vessel that would be completed by vessel personnel and presented to enforcement officers at sea for inspection. It contains the basic information that the vessel will normally transmit by radio or telex to its home office. Upon receipt of the radio or telex information, the home office would then use that information to prepare the weekly summary or Product Transfer Report for submission to NMFS either by telex, phone, or mail. Although the vessel operator could transmit the report directly to NMFS, in practice the vessel operator usually transmits to his home office, which then forwards a completed report to NMFS. There is no requirement to maintain the Product Transfer Report aboard the vessel, only the Cargo Transfer/Offloading Log, which is the basis for the Product Transfer Report. The Cargo Transfer/Offloading Log is a physical document that is maintained aboard the vessel for inspection at sea.

The Product Transfer Report contains detailed information that is not in the Weekly Catch/Receipt and Production Report, which only provides quantities received but not the source or time and place of receipt that may be necessary to resolve illegal logging violations. Cargo transport vessels are not required to submit weekly reports, since they are not "catcher/processor" or "mothership processor" vessels.

Although the Cargo Transfer/Offloading Log does provide the same type of information as the Product Transfer Report, it is a cumulative report, whereas the Product Transfer Report is a summary. To eliminate the need to transmit all of the information in the Cargo Transfer/Offloading Log, which is used only for at-sea enforcement, the Product Transfer Report requires only summary information for the week and does not require detailed data such as latitude and longitude or product listing for each transfer during the week. The Product Transfer Report can also be used to verify on-board logs and insure that they are not changed at a later date to reflect false information.

The Weekly Catch/Receipt and Production Report is for reports of catch in round weight, numbers of cartons of production, and total product weight produced for the week. Reports of catch include those by catcher vessels that are delivered to catcher/processor or mothership processor vessels. Such reports are made in behalf of the catcher vessels. The weekly report does not and

is not intended to include products received from another vessel. The information on products received from another vessel is only required in the Cargo Transfer/Offloading Log and is needed so at-sea enforcement units can determine the products' origin during an inspection. The receipt of products information is not needed for inseason management and therefore is not required in the weekly reports.

## 2. Definition of prohibited species in the GOA FMP:

The Council proposed a new definition of prohibited species for the Gulf of Alaska to address three problems. First, FMP section 6.4.1 presently defines unallocated species as "those species and species groups which must be immediately returned to the sea by vessels operating in the groundfish fishery." However, the FMP does not clearly specify these species as prohibited, and which must be avoided, and if caught, returned to the sea with a minimum of injury.

Second, the "unallocated species" definition is not consistent with references to prohibited species elsewhere in the FMP and its implementing regulations. Section 8.3.1.1(C) of the FMP currently specifies prohibited species restrictions simply as "in accordance with existing State and Federal statutes". Separate prohibited species restrictions are specified for foreign fisheries under FMP section 8.3.2.1(B). These restrictions are more explicit about avoiding and not retaining six species groups. However, explicit language does not exist that identifies unallocated species as prohibited species. Misconstruing unallocated and prohibited species as different categories of species is possible.

Third, reliance on "other applicable law" to define which species are prohibited created a potential enforcement problem. For example, citing groundfish fishermen found to be retaining incidentally-caught king crab from the Gulf of Alaska may have been unenforceable because king crabs are not listed as prohibited species in the GOA regulations at § 672.20(e)(1) (i), (ii), and (iii). Further, in the absence of a king crab FMP, Federal regulations do not exist to restrict the catch of king crabs in the Gulf of Alaska. Thus, an offending vessel would have to be registered in Alaska for State restrictions on king crab catches to apply. If the vessel were not registered in Alaska, no other existing State or Federal statutes or regulations would be violated with respect to retention of king crabs taken in the EEZ.

The Council recommends that four categories of species or species groups in the Gulf of Alaska should be defined in the GOA FMP, one of which is prohibited species. Prohibited species include any of the species of Pacific salmon (*Oncorhynchus* spp.), steelhead trout (*Salmo gairdneri*), Pacific halibut (*Hippoglossus stenolepis*), Pacific herring (*Clupea harengus pallasii*), king crab (*Paralithodes* spp., and *Lithodes* spp.) and Tanner crab (*Chionoecetes* spp.). The other three categories are: Target species, "other species", and non-specified species. Target species include pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish. "Other species" include Atka mackerel, squid, sculpins, sharks, skates, eulachon, smelts, capelin, and octopus. "Non-specified species" are those taken incidentally in the groundfish fisheries but which are not managed by the GOA FMP. Catch records for non-specified species need not be kept.

The Council proposes that the species identified above be designated as prohibited species. It also proposes the three other species categories.

## 3. Other GOA FMP modifications which require regulatory changes:

Regulatory changes are proposed to § 672.20 (c) and (f) to implement changes in sections 4.2.1.1 and 4.2.3.1 of the GOA FMP, which currently invites public comments on preliminary specifications and apportionments of groundfish target quotas, prohibited species catch (PSC) limits for fully utilized groundfish species and species groups, and PSC limits for Pacific halibut, respectively, for 30 days following publication of a notice in the Federal Register. Public comments are invited for 30 days following the date of filing of the notice with the Office of the Federal Register, rather than its date of publication. This change is intended to clarify when the public comment period begins. The intent is to establish a deadline for submitting comments that is closer to the Council's deadline, which is usually reached either on or before the Council meeting when final recommendations for specifications and apportionments for a new fishing year are made.

For consistency with regulations implementing the BSAI FMP, the term target quota (TQ) has been replaced with total allowable catch (TAC) throughout the regulations. The Council recommends removal of the reserve category for certain species of groundfish, because the reserve category is no longer necessary. The relevant species are sablefish, "other rockfish", shelf demersal rockfish, and thornyhead

rockfish. In 1986 and 1987, the Secretary had apportioned the reserves for these species to domestic fisheries for domestic processing (DAP) at the start of the year, since they were determined to be "fully utilized" by domestic fisheries for domestic processing (DAP) fishermen. Hence, the reserve category served no useful purpose. Reserves, therefore, shown in Table 1 of 50 CFR Part 672, are proposed to be set at twenty percent of the TAC only for pollock, Pacific cod, flounders, and "other species".

4. Regulatory changes in addition to those implementing the FMP amendments:

The Secretary proposes a regulatory change to § 672.20 explicitly to authorize reapportionments of surplus domestic annual processing (DAP) to joint venture processing (JVP). Current regulatory language at § 672.20(d) only explicitly pertains to apportionment of surplus domestic annual harvest (DAH) to total allowable level of foreign fishing (TALFF). Although previous reapportionments of excess DAP to JVP have been made, based on the implied authority of existing regulations and the Magnuson Act, the Council has concluded that such reapportionments would be less confusing to the public and the affected industry if the regulations expressly stated that authority. This proposed regulatory change is consistent with and implements existing GOA FMP text at section 5.5.2.3 (reorganized section 4.4.2) providing that "should the initial DAP exceed timely expectations of actual harvest, the Regional Director shall reapportion the excess DAP to JVP, if needed \* \* \*". This regulatory change, of itself, will not impact the industry since it serves only to clarify potential regulatory actions; it does not alter current management procedures, and it does not reduce amounts available to domestic processors; rather, it allows available amounts to be transferred to JVP operations only when it has been verified that DAP operators will not use their full allocations.

#### Classification

This proposed rule is published under section 304(a)(1) of the Magnuson Act, as amended by Pub. L. 99-659, which requires the Secretary of Commerce to publish regulations proposed by a Council within 15 days of receipt of the amendment and regulations. At this time the Secretary has not determined that the amendments that regulations would implement are consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making these

determinations, will take into account the data and comments received during the comment period.

The Council prepared an environmental assessment (EA) for these amendments describing the impact on the environment as a result of this rule. A copy of the EA may be obtained from the Council at the address above and comments on it are requested. The proposed regulations establishing reserves for certain groundfish species, changing the public comment period for proposed annual specifications, changing TQ to TAC, and expressly authorizing inseason reapportionments of excess DAP to JVP are categorically excluded from the requirement to prepare an EA by NOAA Directive 02-10.

The Administrator of NOAA determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the RIR/IRFA prepared by the Council. A copy of the RIR/IRFA may be obtained from the Council at the address above.

The Council prepared an IRFA as part of the regulatory impact review which concludes that this proposed rule, if adopted, would have significant effects on small entities. These effects have been discussed in the RIR/IRFA. A copy of this analysis may be obtained from the Council at the address listed above.

This rule contains new collection-of-information requirements subject to the Paperwork Reduction Act (PRA). A request to collect this information has been submitted to the Office of Management and Budget for review under section 3504(h) of the PRA.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

#### List of Subjects

##### 50 CFR Part 611

Fisheries, Foreign fishing.

##### 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: December 15, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Parts 611, 672, and 675 are proposed to be amended as follows:

#### PART 611—[AMENDED]

1. The authority citation for 50 CFR Part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. In § 611.92, paragraph (b) and Table 1 and paragraph (c)(1) heading and (c)(1)(i) are revised to read as follows:

#### § 611.92 Gulf of Alaska groundfish fishery.

\* \* \* \* \*

(b) *Categories of species.* Four categories of species are recognized for regulatory purposes and they are set forth in Table 1. The term "groundfish" means species in all categories except the "prohibited species" category.

(1) The term "target species" means, for purposes of this section, species that are commercially important and are generally targeted upon by the groundfish fishery. They include pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish. Records of the catch or receipt of each target species or species group must be kept.

(2) The term "other species" means, for purposes of this section, species that currently have only slight economic value and are not generally targeted upon, but which are significant components of the ecosystem or have economic potential. They include sculpins, sharks, skates, eulachon, smelts, capelin, octopus, Atka mackerel, and squid. The total allowable catch (TAC) for these species as a category is set at five percent of the combined quotas of the TACS of the target species. Records of the catch or receipt of "other species" must be kept.

(3) The term "prohibited species" means, for purposes of this section, Pacific herring (*Clupea harengus pallasii*); salmonids (*Salmonidae*); Pacific halibut (*Hippoglossus stenolepis*); king crab (*Paralithodes* spp. and *Lithodes* spp.); and Tanner crab (*Chionoecetes* spp.). Except to the extent that their harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the sea immediately in accordance with § 611.11 of this part. Records must be maintained as required by §§ 611.9, 611.90(e)(2), and this section. Any species of fish for which there is no foreign allocation must be treated in the same manner as "prohibited species" and records must be maintained of any catches or receipts of these species, except for "non-specified species." Catches or receipts of "non-specified species" must be

treated in the same manner as "prohibited species" but records are not required of catches or receipts of these species.

(4) The term "non-specified species" means, for purposes of this section, species that are not listed in paragraphs (b) (1), (2), and (3) of this section and are not managed under authority of other

fishery management plans or under authority of the International Pacific Halibut Commission. Catch records need not be kept.

TABLE 1.—CATEGORIES OF SPECIES INVOLVED IN THE GULF OF ALASKA GROUND FISH FISHERY

Target species <sup>1</sup>	"Other species" <sup>2</sup>	Prohibited species <sup>3</sup>	Non-specified species <sup>4</sup>
Pollock, Pacific cod, flounders, sablefish, rockfish, and thornyhead rockfish.	Sculpins, sharks, skates, eulachon, smelts, capelin, octopus, Atka mackerel, and squid.	Pacific herring ( <i>Clupea harengus pallasi</i> ); salmonids (Salmonidae); Pacific halibut ( <i>Hippoglossus stenolepis</i> ); king crab ( <i>Paralithodes</i> spp. and <i>Lithodes</i> spp.); Tanner crab <i>Chionoecetes</i> spp.).	All species not included in these categories.

<sup>1</sup> Commercially important; specific TAC applies to each species or species group; records must be maintained.

<sup>2</sup> The target quota for these species as a category is set at five percent of the combined target quotas of the target species. Records of the catch or receipt of "other species" must be kept.

<sup>3</sup> Except to the extent that their harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the immediately in accordance with § 611.11 of this part. Records must be maintained as required by these §§ 611.9, 611.90(e)(2), and this section. Any species of fish for which there is no foreign allocation must be treated in the same manner as "prohibited species" and records must be maintained of any catches or receipts of these species, except for non-specified species.

<sup>4</sup> The term "non-specified species" means for purposes of this section those species that are not listed in paragraph (b) (1), (2), and (3) of this section and are not managed under authority of other fishery management plans or under authority of the International Pacific Halibut Commission. Catch records need not be kept.

(c) \* \* \*

(1) TACs, TALFFs, Reserves, and PSC limits.

(i) See 50 CFR 672, Subpart B, for procedures to determine total allowable catches (TACs), domestic annual processing (DAP), joint venture processing (JVP), reserves, total allowable level of foreign fishing (TALFF), and prohibited species catch (PSC) limits. Species listed in paragraph (b)(3) and Table 1 of this section as "prohibited species", species listed in paragraph (b)(4) of this section as "non-specified species", and species for which the TALFF is zero, including species for which a PSC limit has been specified, will be treated in the same manner as prohibited species under § 611.11.

\* \* \* \* \*

#### PARTS 672 AND 675—[AMENDED]

3. The authority citation for 50 CFR Parts 672 and 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In § 672.3, paragraph (a) is revised to read as follows:

#### § 672.3 Relation to other laws.

(a) *Federal law.* For regulations governing foreign fishing for groundfish in the Gulf of Alaska, see 50 CFR 611.92; for those governing foreign fishing for groundfish in the Bering Sea and Aleutian Islands, see 50 CFR 611.93. For regulations governing fishing for groundfish in the Bering Sea and Aleutian Islands by vessels of the United States, see 50 CFR Part 675; for

those governing salmon fishing off Alaska, see 50 CFR Part 674; for those governing permits and certificates of inclusion for the taking of marine mammals, see 50 CFR 216.24. For regulations governing fishing for halibut by vessels of the United States, see the regulations of the International Pacific Halibut Commission at 50 CFR 301.

\* \* \* \* \*

5. In § 672.5, paragraph (a)(3)(iv) introductory text and (a)(3)(iv)(E) are revised and new paragraphs (a)(3)(iv)(G) and (a)(3)(v) are added to read as follows:

#### § 672.5 Reporting requirements.

(a) \* \* \*

(3) \* \* \*

(iv) After notification of starting fishing by a vessel under paragraph (a)(3)(i) of this section, and continuing until that vessel's entire catch or cargo of fish has been off-loaded, the operator of that vessel must submit a weekly catch/receipt and product transfer report, including reports of zero tons caught, or received, for each weekly period, Sunday through Saturday, GMT, or for each portion of such a period. The catch/receipt and product transfer report must be sent to the Regional Director within one week to the end of the reporting period through such means as the Regional Director will prescribe upon issuing that vessel's permit under § 672.4 of this part. This report must contain the following information:

\* \* \* \* \*

(E) The number of cartons of fish product, and the estimated unit net

weight, in kilograms or pounds, of a carton of processed fish by species or species group produced by that vessel during the reporting period:

\* \* \* \* \*

(G) The product weight, rounded to the nearest one-tenth of a metric ton (0.1 mt) and the number of cartons transferred or off-load by product type and by species or species group.

(v) For each transfer or off-loading of fish product in the EEZ, outside the EEZ, within any State's territorial waters, or within the internal waters of any State, the operator or each fishing vessel must record, in a separate transfer log, the following information within twelve hours of the completion of the transfer or off-loading:

(A) The time and date (GMT) and location (in geographic coordinates, or if within a port, the name of the port) the transfer or off-loading began and was completed;

(B) The product weight and product type, by species or species group of all fish product transferred or off-loaded to the nearest one-tenth of a metric ton (0.1 mt);

(C) The name and permit number of the vessel receiving the product or, if off-loaded to a shoreside location, the name of the location and commercial facility receiving the product; and

(D) The intended port of destination of the receiving vessel if transferred to another vessel.

\* \* \* \* \*

6. In § 672.20, paragraph (a)(2)(i) is redesignated as (a)(2)(ii), paragraph (a)(2) introductory text is revised, a new

paragraph (a)(2)(i) is added, and Table 1 and paragraphs (c)(1), (d)(2) and (d)(5)(i), (e)(1), and the third sentence of (f)(2)(i) are revised to read as follows:

§ 672.20 General limitations.

(a) \* \* \*

(2) *Total Allowable Catch (TAC)*. The Secretary, after consultation with the

North Pacific Fishery Management Council (Council), will specify the annual TAC for each calendar year for each target species and the "other species" category, and will apportion the TACs among DAP, JVP, reserves, and total allowable level of foreign fishing (TALFF).

(i) The sum of the TACs specified must be within the OY range of 16,000 to 800,000 mt for target species and the "other species" category. Initial reserves are established for pollock, Pacific cod, flounder, and "other species", which are equal to twenty percent of the TACs for these species or species groups.

\* \* \* \* \*

TABLE 1.—INITIAL (AS OF JANUARY 1, EACH YEAR) TOTAL ALLOWABLE CATCH (TAC), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS. TAC DAH+RESERVE+TALFF; DAH DAP+JVP

Species	Area <sup>1</sup>	Code	TAC	DAH	DAP	JVP	Reserve	TALFF
Pollock.....	W/C.....	701						
	Outside Shelikof.....							
	E.....							
	(Total).....							
Pacific cod.....	W.....	702						
	C.....							
	E.....							
	(Total).....							
Flounders.....	W.....	129						
	C.....							
	E.....							
	(Total).....							
Sablefish.....	W.....	703					NA <sup>2</sup>	
	C.....							
	W. Yakutat.....							
	SE/Eastern Yakutat.....							
Other rockfish <sup>3</sup> .....	(Total).....							
	W.....	849					NA <sup>2</sup>	
	C.....							
	E.....							
Shelf demersal rockfish <sup>4</sup> .....	(Total).....							
	SEO.....						NA <sup>2</sup>	
Thornyheads.....	G-W.....	749					NA <sup>2</sup>	
Other sp. <sup>5</sup> .....	G-W.....							

<sup>1</sup> See Figure 1 of § 672.20 for description of regulatory area and districts.

<sup>2</sup> W=Western, C=Central, E=Eastern, G-W=Gulf-Wide, SE=Southeast.

<sup>3</sup> The category "other rockfish" includes all fish of the genus (Sebastes) except the category shelf demersal rockfish as defined in footnote 3 below and Sebastolobus (Thornyhead rockfish).

<sup>4</sup> Shelf demersal rockfish include Sebastes paucispinus (Bocaccio), S. nebulosus (China rockfish), S. caurinus Copper rockfish, S. malliger (Quillback rock fish), S. proiger (Redstripe rockfish), S. helvomaculatus (Rosethorn rockfish), S. brevispinis (Silvergrey rockfish), S. nigrocinctus (Tiger rockfish), S. ruberrimis (Yelloweye rockfish), S. pinningera (Canary rockfish).

<sup>5</sup> The category "other species" includes sculpins, sharks, skates, eulachon, smelts, octopus, Atka mackerel, and squid. The TAC is equal to 5 percent of the TACs of the target species.

\* \* \* \* \*

(c) \* \* \*

(1) *Notices of harvest limits and PSC limits*. As soon as practicable after October 1 of each year, the Secretary, after consultation with the Council, will publish a notice in the **Federal Register** specifying preliminary annual TAC, DAP, JVP, TALFF, reserve, and applicable PSC amounts for each target species, the "other species" category, and species determined to be fully utilized by the DAP fisheries. The preliminary specifications of DAP and JVP will be the amounts harvested during the previous year plus any additional amounts the Secretary finds will be harvested by the U.S. fishing industry. These additional amounts will reflect as accurately as possible the

projected increases in U.S. harvesting and processing and the extent to which U.S. harvesting and processing will occur during the coming year. Public comment on these amounts will be accepted by the Secretary for 30 days after the notice is filed for public inspection with the Office of the Federal Register. The Secretary will consider timely comments and, after consultation with the Council, specify the final PSC limits and annual TAC for each target species and the "other species" category, and apportionments thereof among DAP, JVP, TALFF, and reserves. These final amounts will be published as a notice in the **Federal Register** on or about January 1 of each year. These

amounts will replace the corresponding amounts for the previous year.

\* \* \* \* \*

(d) \* \* \*

(2) *Apportionment of surplus DAP to JVP and surplus DAH to TALFF*. Under paragraph (d)(5) of this section, and as soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines necessary, the Secretary will apportion to JVP any part of the DAP amounts that he determines will not be processed by U.S. processors, and may apportion to TALFF any part of the DAH amounts that he determines will not be harvested by U.S. fishermen during the remainder of the year.

\* \* \* \* \*

(5) \* \* \*

(i) *General.* The Secretary, under paragraphs (d)(1) and (d)(2) of this section, may apportion to TALFF only those amounts which he determines will not be harvested by vessels of the United States during the remainder of the fishing year, and will apportion to JVP only those amounts he determines will be harvested by vessels of the United States during the remainder of the fishing year but will not be processed by U.S. processors. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, at the discretion of the Secretary, either be apportioned to DAP or JVP, or retained in the reserves as eligible for later apportionment under paragraph (d) of this section.

\* \* \* \* \*

(e) \* \* \*

(1) Prohibited species, for the purpose of this part, are any of the species of Pacific salmon (*Oncorhynchus* spp.), steelhead trout (*Salmo gairdneri*), Pacific halibut (*Hippoglossus stenolepis*), Pacific herring (*Clupea harengus pallasii*), king crab (*Paralithodes* spp., and *Lithodes* spp.) and Tanner crab (*Chionoecetes* spp.) caught by a vessel regulated under this part while fishing for groundfish in the Gulf of Alaska, unless retention is authorized by other applicable law, including the regulations of the International Pacific Halibut Commission.

\* \* \* \* \*

(f) \* \* \*

(2) \* \* \*

(i) \* \* \* Public comments on the proposed halibut PSC limits will be accepted by the Secretary for 30 days after the notice is filed for public

inspection with the Office of the Federal Register. \* \* \*

\* \* \* \* \*

**PART 675—[AMENDED]**

7. In § 675.5, paragraphs (a)(3)(iv) introductory text and (a)(3)(iv)(E) are revised and new paragraphs (a)(3)(iv)(G) and (a)(3)(v) are added to read as follows:

**§ 675.5 Reporting requirements.**

(a) \* \* \*

(3) \* \* \*

(iv) After notification of starting fishing by a vessel under paragraph (a)(3)(i) of this section, and continuing until that vessel's entire catch or cargo of fish has been off-loaded, the operator of that vessel must submit a weekly catch/receipt and product transfer report, including reports of zero tons caught or received, for each weekly period, Sunday through Saturday, GMT, or for each portion of such a period. The catch/receipt and product transfer report must be sent to the Regional Director within one week of the end of the reporting period through such means as the Regional Director will prescribe upon issuing that vessel's permit under § 675.4 of this part. This report must contain the following information:

\* \* \* \* \*

(E) The number of cartons of product, and the unit net weight, in kilograms or pounds, or a carton of processed fish by species or species group produced by that vessel during the reporting period;

\* \* \* \* \*

(G) The product weight, rounded to the nearest one-tenth of a metric ton (0.1 mt) and the number of cartons transferred or off-loaded by product type and by species or species group.

(v) For each transfer or off-loading of fish product in the EEZ, outside the EEZ, within any State's territorial waters, or within the internal waters of any State, the operator of each fishing vessel must record, in a separate transfer log, the following information within twelve hours of the completion of the transfer or off-loading:

(A) The time and date (GMT) and location (in geographic coordinates, or if within a port; the name of the port) the transfer or off-loading began and was completed;

(B) The product weight and product type, by species or species group of all fish products transferred or off-loaded to the nearest one-tenth of a metric ton (0.1 mt);

(C) The name and permit number of vessel receiving the product or, if off-loaded to a shoreside location, the name of the location and commercial facility receiving the product; and

(D) The intended port of destination of the receiving vessel if transferred to another vessel.

\* \* \* \* \*

**§§ 611.92, 672.20, 672.22 and 672.24****[Amended]**

8. In addition to the amendments set forth above, remove the initials "TQ" and add, in their place, the initials "TAC" in the following places:

§ 611.92(c)(2)(ii)(A);

Newly redesignated § 672.20(a)(2)(ii) introductory text and (ii)(A) and (B), (b)(1), and (c)(2)(i) and (ii) and (iii)(A) and (B);

§ 672.22(a)(1)(iii), (2)(i)(B) and (iii), and (3)(vi);

§ 672.24(b)(1), (2), and (3)(i) and (ii).

[FR Doc. 87-29119 Filed 12-16-87; 2:45 pm]

BILLING CODE 3510-22-M

# Notices

Federal Register

Vol. 52, No. 244

Monday, December 21, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

#### Arizona Electric Power Cooperative, Inc.; Finding of No Significant Impact

**AGENCY:** Rural Electrification Administration, USDA.

**ACTION:** Finding of No Significant Impact.

**SUMMARY:** Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508), and REA Environmental Policy and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONSI) with respect to construction of a 230 kV transmission line on single pole steel structures in Cochise County, Arizona by Arizona Electric Power Cooperative, Inc. (AEPSCO).

**FOR FURTHER INFORMATION CONTACT:** Martin G. Seipel, Director, Southwest Area—Electric, Room 0205, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382-8848.

**SUPPLEMENTARY INFORMATION:** REA, in conjunction with a request for construction approval from AEPSCO, required that AEPSCO develop environmental support information reflecting the potential impacts of the project. The information supplied by AEPSCO is contained in an Environmental Analysis (EVAL) and Addendum I to the EVAL. Included as part of its environmental review process, REA held interagency and public scoping meetings in August, 1985. The EVAL with Addendum, input from the meetings held, and input from the public and certain Federal and State agencies have been used by REA to

develop its Environmental Assessment (EA). REA has concluded that the EA represents an accurate assessment of the environmental impacts of the proposed project and that the impacts are acceptable.

The proposed project consists of constructing a single circuit 230 KV transmission line within a 24.7 meter (90 ft) right-of-way (ROW) which would connect the Apache Generating Station (AGS) which is located approximately 16 km (10 mi) south of the city of Willcox with the proposed 230/69 kV San Rafael Substation which would be located near the city of Sierra Vista. The length of line varies from 60 km (37 mi) for the recommended route to 96.5 km (60 mi) for the longest alternative route. The recommended alternative is considerably shorter than the others because it would originate at the new Butterfield Tap Substation which would be constructed on the Apache to Pantano 230 kV transmission line approximately 24 km (15 mi) west of AGS. The other alternative routes would originate at the AGS switchyard. All of the alternative routes would terminate at the San Rafael Substation. The Butterfield Tap Site would require 0.81 hectare (ha) (2.0 ac) of land and the San Rafael Substation would require 0.97 ha (2.4 ac) of land.

REA has concluded that the proposed project will have no effect on wetlands, floodplains, important farmland, prime forest land or rangeland, threatened or endangered species or critical habitat, visual quality and property listed or eligible for listing in the *National Register of Historic Places*. Certain impacts resulting from the proposed project are unavoidable such as the clearing of vegetation for the ROW and crossing the San Pedro River Management Area. No other matters of environmental concern have come to REA's attention.

Alternatives examined for the proposed project included no action and upgrading existing facilities. Alternative line routes, structure types and substation sites were also evaluated. REA determined that there is a need for the new line and that constructing the new line along the recommended route is an environmentally acceptable alternative for AEPSCO to maintain reliable service for present customers and provide for future load growth.

Based upon the environmental support information provided, information provided at the REA conducted scoping meetings, and public input, REA prepared an EA concerning the proposed project and its impacts. As a result of its independent evaluation, REA has concluded that approval of financing assistance enabling AEPSCO to construct the proposed project would not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, REA has reached a FONSI with respect to the proposed project. The preparation of an environmental impact statement is not necessary.

Copies of REA's EA, FONSI and the EVAL with Addendum can be obtained from the offices of REA in the South Agriculture Building, Room 0205, 14th and Independence Avenue SW., Washington, DC 20250 or at the office of AEPSCO at 1000 South Highway 80, Benson, Arizona 85602, during regular business hours. Copies of the documents are being sent to various Federal and State agencies and will also be available for review at the offices of Sulfur Springs Valley Electric Cooperative, Inc., 316 Bartow Drive, Sierra Vista, Arizona 85635 and at public libraries in Benson, Tombstone, Sierra Vista and Pearce-Sunsites. REA will take no final action with respect to AEPSCO's request for financing assistance for at least thirty (30) days after publication of this notice in the *Federal Register* and in newspapers of general circulation in Cochise County.

Any comments should be sent to REA at the address given above. All comments received during the 30-day period will be considered. This program is listed in the Catalog of Federal Domestic Assistance under No. 10.8509—Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR Part 3015, Subpart V, this program is excluded from the scope of Executive Order 312372 which requires intergovernmental consultation with state and local officials.

Date: December 16, 1987.

Harold V. Hunter,  
Administrator.

[FR Doc. 87-29206 Filed 12-18-87; 8:45 am]

BILLING CODE 3410-15-M

**Soil Conservation Service****Finding of No Significant Impact; Love Creek Watershed, DE**

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Love Creek Watershed, Sussex County, Delaware.

**FOR FURTHER INFORMATION CONTACT:** Mr. Douglas E. Hawkins, State Conservationist, Soil Conservation Service, 9 E. Lookerman Street, Suite 207, Dover, Delaware 19901-7377, telephone (302-678-0750).

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment.

As a result of these findings, Douglas E. Hawkins, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include conservation tillage, terraces, grassed waterways, land use conversion, and accelerated technical assistance for land treatment.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Douglas E. Hawkins.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance Under No.

10.904, Watershed Protection and Flood Prevention Program, and is subject to the provision of Executive Order 12372 which requires intergovernmental consultation with State and local officials)

Douglas E. Hawkins,  
State Conservationist.

December 14, 1987.

[FR Doc. 87-29129 Filed 12-18-87; 8:45 am]

BILLING CODE 3410-16-M

**DEPARTMENT OF COMMERCE****Bureau of the Census****Annual Survey of Retail Sales and Inventories; Determination**

In accordance with Title 13, United States Code, sections 131, 182, 224, and 225, I have determined that various government agencies need the 1987 annual retail trade data to provide a sound statistical basis for the formation of policy and that these data also serve a variety of public and business needs. This annual survey is a continuation of similar surveys that we have conducted each year since 1951 (except 1954). It provides, on a comparable classification basis, annual sales, purchases of merchandise, accounts receivable balances, and year-end inventories for 1986 and 1987. These data are not available publicly on a timely basis from nongovernmental or other governmental sources.

The Census Bureau will require a selected sample of firms operating retail establishments in the United States (with sales size determining the probability of selection) to report in the 1987 Annual Retail Trade Survey. The sample will provide, with measurable reliability, statistics on the specified subjects.

We will furnish report forms to the firms covered by this survey and will require their submission within 20 days after receipt. Copies of the forms are available upon written request to the Director, Bureau of the Census, Washington, DC, 20233.

I have directed, therefore, that an annual survey be conducted for the purpose of collecting these data.

Dated: December 15, 1987.

John G. Keane,  
Director, Bureau of the Census.

[FR Doc. 87-29168 Filed 12-18-87; 8:45 am]

BILLING CODE 3510-07-M

**Foreign-Trade Zones Board**

[Order No. 368]

**Resolution and Order Approving Application of Greater Cincinnati Foreign-Trade Zone, Inc., for Subzone for Honda in Shelby County, Ohio**

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

**Resolution and Order**

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board had adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of FTZ 46, filed with the Foreign-Trade Zones Board (the Board) on February 6, 1986, requesting special-purpose subzone status for the auto and motorcycle engine manufacturing plant of Honda of America Manufacturing, Inc., in Shelby County, Ohio, adjacent to the Dayton Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

**Grant of Authority To Establish A Foreign-Trade Subzone In Shelby County, Ohio**

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of

Foreign-Trade Zone No. 46, has made application (filed February 6, 1986, Docket 6-86, 51 FR 7306) in due and proper form to the Board for authority to establish a special-purpose subzone at the automobile and motorcycle engine plant of Honda of America Manufacturing, Inc. (Honda), in Shelby County, Ohio, adjacent to the Dayton Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, therefore, in accordance with the application filed February 6, 1986, the Board hereby authorizes the establishment of a subzone at the Honda plant in Shelby County, Ohio, designated on the records of the Board as Foreign-Trade Subzone No. 46D at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from federal, state, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Army Engineer with the grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, The Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington,

DC this 11th day of December, 1987, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Gilbert B. Kaplan,

*Acting Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.*

Attest:

John J. Da Ponte, Jr.,

*Executive Secretary.*

[FR Doc. 87-29193 Filed 12-18-87; 8:45 am]

BILLING CODE 3510-DS-M

## International Trade Administration

[A-475-104]

### Strontium Nitrate From Italy; Final Results of Antidumping Duty Administrative Review and Revocation

**AGENCY:** International Trade Administration/Import Administration, Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review and revocation.

**SUMMARY:** On September 8, 1987, the Department of Commerce published the preliminary results of its administrative review and intent to revoke on strontium nitrate from Italy. The review covers the only known manufacturer/exporter of this merchandise and the period June 1, 1985 through May 31, 1986.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. The final results of review are unchanged from those presented in the preliminary results, and we revoke the antidumping duty order on strontium nitrate from Italy.

**DATE: EFFECTIVE DATE:** December 21, 1987.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Bruno or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 8, 1987, the Department of Commerce ("the Department") published in the *Federal Register* (52 FR 33857) the preliminary results of its administrative review and intent to revoke the antidumping duty order on strontium nitrate from Italy (46 FR 32864, June 25, 1981). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

##### Scope of the Review

Imports covered by the review are

shipments of strontium nitrate, a chemical compound  $\text{Sr}(\text{NO}_3)_2$ , currently classifiable under item 421.7400 of the Tariff Schedules of the United States Annotated and under item 2834.29.20 of the Harmonized System.

The review covers the only known manufacturer/exporter, Societa Bario e Derivati S.p.A. ("SABED"), and the period June 1, 1985 through May 31, 1986.

#### Final Results of the Review and Revocation

We invited interested parties to comment on the preliminary results. We received no comments. The final results of review are unchanged from those presented in the preliminary results of review, and we determine that no margins exist from the period June 1, 1985 through May 31, 1986.

For the reasons set forth in the preliminary results of review and intent to revoke, we are satisfied that there is no likelihood of resumption of sales at less than fair value by SABED. Accordingly, we revoke the antidumping duty order on strontium nitrate from Italy. This revocation applies to all unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after May 14, 1984, the date of our tentative determination to revoke the order.

The Department will instruct the Customs Service not to assess antidumping duties on all appropriate entries.

This administrative review, revocation, and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1) and (c)) and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a and 353.54).

Date: December 14, 1987.

Gilbert B. Kaplan,

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 87-29194 Filed 12-18-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-005]

### Litharge, Red Lead and Lead Stabilizers From Mexico; Preliminary Results of Countervailing Duty Administrative Review

**AGENCY:** International Trade Administration/Import Administration, Commerce.

**ACTION:** Notice of preliminary results of countervailing duty administrative review.

**SUMMARY:** The Department of Commerce has conducted an

administrative review of the countervailing duty order on litharge, red lead and lead stabilizers from Mexico. We preliminarily determine the total bounty or grant to be *de minimis* during the period January 1, 1985 through December 31, 1986. We invite interested parties to comment on these preliminary results.

**DATE:** Effective Date: December 21, 1987.

**FOR FURTHER INFORMATION CONTACT:** Stephen Nyschot or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 21, 1986, the Department of Commerce ("the Department") published in the *Federal Register* (51 FR 37319) the final results of its last administrative review of the countervailing duty order on litharge, red lead, and lead stabilizers from Mexico (47 FR 54847, December 6, 1982). On December 8, 1986 and December 31, 1986, three Mexican exporters and the Mexican government requested, in accordance with 19 CFR 355.10, an administrative review of the order. We published the initiation of the administrative review on January 21, 1987 (51 FR 2747). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

**Scope of Review**

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate Tariff Schedules of the United States Annotated ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

Imports covered by this review are shipments of Mexican litharge, red lead, and lead stabilizers, which include lead compounds "not specifically provided for" ("NSPF") and pigments containing lead NSPF. Such merchandise is currently classifiable under the following TSUSA item numbers: Litharge, 473.5200; red lead, 473.5600; lead compounds NSPF, 419.0400; and pigments containing lead NSPF, 473.9000. These products are currently classifiable under HS item numbers 2824.10.00-0, 3206.49.50-2, 3212.90.00-2, 2824.20.00-2, 3206.20.00-2, 3206.30.00-1, 3207.10.00-2, 3207.30.00-1, and 3212.90.00-2. We invite comments from all interested parties on these HS classifications. The review covers the period from January 1, 1985 through December 31, 1986 and 11 programs.

**Analysis of Programs**

**(1) FOMEX**

The Fund for the Promotion of Exports of Mexican Manufactured Products ("FOMEX") is a trust of the Mexican Treasury Department, with the National Bank of Foreign Trade acting as trustee for the program. The National Bank of Foreign Trade, through financial institutions, makes FOMEX loans available at preferential rates to Mexican exporters and U.S. importers for two purposes: pre-export financing and export financing. We consider both pre-export and export FOMEX loans to confer export bounties or grants since these loans are given only on merchandise destined for export. We found that the annual interest rate for dollar-denominated FOMEX export financing ranged from 5.50 to 6.70 percent during the period of review. The annual interest rate for peso-denominated FOMEX pre-export financing was 39.60 percent to the one manufacturer of this merchandise that received such loans during the period of review. Although this manufacturer claims that these pre-export loans were not based on exports of litharge, it was not able to produce documentation supporting this assertion. Therefore, we have assumed, as the best information available, that these pre-export loans are countervailable.

We consider the benefit from loans to occur when the interest is paid. Interest on FOMEX pre-export loans is paid at maturity, and interest on FOMEX export loans is pre-paid. Accordingly, we

calculated benefits from all FOMEX pre-export loans on which interest was paid during the period of review and from all FOMEX export loans that were received during the period of review.

We have sufficient information to measure effective interest rates for both peso-denominated and dollar-denominated loans during the period of review. (See final results of administrative review on fabricated automotive glass from Mexico (51 FR 44652, December 11, 1986).) To determine the effective interest rate benchmark for peso loans, we calculated the average spread between the Costo Porcentual Promedio (CPP) rates, i.e., the average cost of short-term funds to banks, and the effective rates reported by the Banco de Mexico in its monthly publication, *Indicadores Economicos* (I.E.), for the period 1982 through 1984, the only period for which we have I.E. rates. The effective interest rate benchmark for 1985 is the sum of this average spread and the average CPP rate for 1985. In this way, we calculated a benchmark of 86.31 percent for pre-export peso loans obtained in 1985. There were no pre-export FOMEX loans in 1986 for this merchandise.

To determine the effective interest rate benchmark for dollar loans, we used the quarterly weighted-average interest rates published in the *Federal Reserve Bulletin*, which were 12.85 percent in 1985 and 10.42 percent in 1986.

Three of the four known exporters of this merchandise used FOMEX loans during the period of review. Because we found that the exporters were able to tie their FOMEX export loans to exports to specific countries, we measured the benefit only from FOMEX export loans tied to U.S. shipments. We allocated each company's benefit from export loans over the value of its total U.S. shipments during each year of the period of review. Because exporters were not able to tie their FOMEX pre-export loans to exports to specific countries, we measured the benefit from all FOMEX pre-export loans. We allocated each company's benefit from pre-export loans over the value of its total export shipments. In both cases, we weight-averaged the resulting benefits by each company's proportion of total exports of this merchandise to the United States during each year of the period of review. We preliminarily determine the benefit from FOMEX to be 0.02 percent *ad valorem* for the 1985 period and 0.01 percent *ad valorem* for the 1986 period.

**(2) Import Duty Reductions and Exemptions**

The Mexican government grants import duty reductions and exemptions on machinery, spare parts, and tools to companies located in free zones or border areas. If the company transports the imported equipment to other areas of Mexico, it must pay the full duty. Since these reductions and exemptions are limited to companies located in specific regions of the country, we consider this program to be a domestic bounty or grant.

One firm used this program in 1985, but not in 1986. That firm used the imported equipment for producing litharge sold in Mexico and abroad. To calculate the benefit, we took the difference between the actual import duties paid and what the payment would have been absent the reduction, and allocated the result over the firm's total 1985 sales of litharge. We then weight-averaged the resulting benefit by the firm's proportion of total exports of this merchandise to the United States during 1985. We preliminarily determine the benefit from this program to be 0.02 percent ad valorem for the 1985 period and zero for the 1986 period.

**(3) Other Programs**

We also examined the following programs and preliminarily find that exporters of litharge, red lead, and lead stabilizers did not use them during the review period:

- (A) Article 15 loans;
- (B) Certificates of Fiscal Promotion (CEPROFI);
- (C) State tax incentives;
- (D) Fund for Industrial Development (FONEI);
- (E) Guarantee and Development Fund for Medium and Small Industries (FOGAIN);
- (F) Certificado de Devolucion de Impuestos (CEDI);
- (G) NDP preferential discounts;
- (H) Bancomext loans; and
- (I) Accelerated depreciation.

**Preliminary Results of Review**

As a result of our review, we preliminarily determine the total bounty or grant to be 0.04 percent ad Valorem during the 1985 period and 0.01 percent ad Valorem during the 1986 period. The Department considers any rate less than 0.50 percent to be *de minimis*.

The Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1985 and on or before December 31, 1986.

The Department also intends to instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. The deposit waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday afterwards. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.10.

Gilbert B. Kaplan,  
Acting Assistant Secretary for Import Administration.

Date: December 14, 1987.

[FR Doc. 87-29195 Filed 12-18-87; 8:45 am]  
BILLING CODE 3510-DS-M

**National Oceanic and Atmospheric Administration****Marine Mammals; Application for Permit; Sea Life Park (P10D)**

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Sea Life Park, Makapuu Point, Waimanalo, Hawaii 96795.
  2. Type of Permit: Public Display.
  3. Name and Number of Marine Mammals: False killer whale (*Pseudorca crassidens*)—4.
  4. Type of Take: Import from Taigi, Japan for captive maintenance.
  5. Period of Activity: 2 Years.
- The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been

inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Rm 805, Washington, DC;  
Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

Date: December 15, 1987.

[FR Doc. 87-29175 Filed 12-18-87; 8:45 am]  
BILLING CODE 3510-22-M

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS****Amendment and Adjustment To Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mexico**

December 14, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive

published below to the Commissioner of Customs to be effective on December 22, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port, or call (202) 535-9481. For information on embargoes and quota re-openings, please call (202) 377-3715.

#### Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the import restraint limits for cotton and man-made fiber textile products in Categories 341/641 and 625, produced or manufactured in Mexico and exported during the period January 1, 1987 through December 31, 1987. AS a result, the limits for Categories 341/641 and 625, which are currently filled, will re-open.

#### Background

CITA directives dated November 28, 1986 (51 FR 43960) and April 7, 1987 (52 FR 12230), respectively, established import restraint limits for cotton and man-made fiber textile products in Categories 341/641 and 625, among others, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, between the Governments of the United States and the United Mexican States, and at the request of the Government of the United Mexican States, the current limit for Categories 341/641 is being increased for carryforward. In addition, the current minimum consultation level for Category 625 is being increased and converted to a designated consultation level.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 29754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 20768) and in Statistical Headnote 5, Schedule 3 of the *Tariff Schedules of The United States Annotated (1987)*.

Adopted by the United States of the Harmonized Commodity (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the *Federal Register*.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

**James H. Babb,**  
*Chairman, Committee for the Implementation of Textile Agreements.*

#### Committee for the Implementation of Textile Agreements

December 14, 1987.

Commissioner of Customs,  
*Department of the Treasury,*  
*Washington, DC 20229*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives of November 28, 1986 and April 7, 1987, issued to you by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on December 22, 1987, the directives of November 28, 1987 and April 7, 1987 are hereby amended to include amended and adjusted limits for cotton and man-made fiber textile products in the following categories, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended <sup>1</sup>

Category	2-mo. limit <sup>1</sup>
341/641	734,827 dozen.
625	250,000 pounds.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1986.

The Committee has the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs

<sup>1</sup> The agreement provides, in part, that: (1) Specific limits and sublimits may be exceeded by swing in any agreement period; (2) these same limits may be adjusted for carryforward and carryover up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

**James H. Babb,**  
*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-29141 Filed 12-16-87; 11:14 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Air Force Reserve Officer Training Corps Advisory Committee; Meeting

November 30, 1987.

The Air Force Reserve Officer Training Corps (AFROTC) Advisory Committee will meet on January 26, 1988, from 8:15 a.m. to 4:30 p.m. and on January 27, 1988, from 8:15 a.m. to 12:00 p.m. at Headquarters Air Force Reserve Officer Training Corps, Building 500, Room 19, Maxwell Air Force Base (AFB), Alabama.

The AFROTC Advisory Committee meets to offer advice, views, and recommendations regarding the educational mission of AFROTC. The Committee is an external source of expertise and serves in an advisory capacity to the Commander, Air Training Command and the Commandant, AFROTC.

The meeting is open to the public.

For further information, contact: Air Force Reserve Officer Training Corps Advisory Committee, Mr. John D. Pickett, Jr., Project Officer, AFROTC/XPX, Maxwell AFB, Alabama 36112-6663, telephone (205) 293-7856.

**Patsy J. Conner,**  
*Air Force Federal Register Liaison Officer.*  
[FR Doc. 87-29128 Filed 12-18-87; 8:45 am]  
BILLING CODE 3910-01-M

### Department of the Army

#### Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

*Name of the Committee:* Army Science Board (ASB).

*Dates of Meeting:* 11 and 12 January 1988.

*Times of Meetings:* 0800—1630 hours, 11 January 1988, 0800—1430 hours, 12 January 1988.

*Place:* Sandia National Lab, Albuquerque, NM.

*Agenda:* The Army Science Board Ad

Hoc Subgroup for Tactical Applications of Directed Energy Weapons (DEW) will meet to be briefed on National labs and Air Force programs. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

**Sandra F. Gearhart,**

*Acting Administrative Officer, Army Science Board.*

[FR Doc. 87-29171 Filed 12-18-87; 8:45 am]

BILLING CODE 3710-08-M

#### **Army Science Board; Closed Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

*Name of the Committee:* Army Science Board (ASB).

*Dates of Meeting:* 11 and 12 January 1988.

*Times of Meetings:* 0800-1630 hours, 11 January 1988; 0800-1430 hours, 12 January 1988.

*Place:* Sandia National Lab, Albuquerque, NM.

*Agenda:* The Army Science Board Ad Hoc Subgroup for Tactical Applications of Directed Energy Weapons (DEW) will meet to be briefed on National labs and Air Force programs. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

**Sandra F. Gearhart,**

*Acting Administrative Officer, Army Science Board.*

[FR Doc. 87-29170 Filed 12-18-87; 8:45 am]

BILLING CODE 3710-08-M

#### **DEPARTMENT OF ENERGY**

##### **Federal Energy Regulatory Commission**

[Docket No. CP88-125-000]

##### **Request Under Blanket Authorization; Gas Gathering Corp.**

December 16, 1987.

Take notice that on December 10, 1987, Gas Gathering Corporation (GGC), P.O. Box 519, Hammond, Louisiana 70404, filed in Docket No. CP88-125-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to transport natural gas on behalf of Delta Pipeline Company (Delta), under the authorization issued in Docket No. CP86-129-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

GGC states that pursuant to a gas transportation agreement dated September 30, 1987, it proposes to transport natural gas on behalf of Delta. It is further stated that although the primary term of the transportation agreement ran from September 30, 1987, through November 1, 1987, the parties have the option to continue the transaction on a month to month basis thereafter. GGC indicates that it would receive the gas in the Bayou Bouillon Field, St. Martin Parish, Louisiana and that it would redeliver the gas to Transcontinental Gas Pipe Line Corporation, for Delta's account, at the Sherburne meter station, Pointe Coupee Parish, Louisiana. GGC estimates that the volume of gas to be transported on a peak day would be 6,000 MMBtu, the volume of gas to be transported on an average day would be 2,700 MMBtu and the annual average would be 985,000 MMBtu.

It is stated that the proposed service is currently being performed pursuant to the 120-day self implementing provisions of § 284.223(a)(1) of the Regulations. GGC notes that the service was initiated October 1, 1987, on an interruptible basis under GGC's Rate Schedule IT-1 and that the transaction was reported in Docket No. ST88-405-000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural

Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application pursuant to section 7 of the Natural Gas Act.

**Lois D. Cashell,**

*Acting Secretary.*

[FR Doc. 87-29160 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-177-046]

##### **Texas Eastern Transmission Corp.; ERRATA Correction to Compliance Filing**

December 14, 1987.

Take notice that on December 9, 1987, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing Original Sheet Nos. 121 and 470 of its FERC Gas Tariff, Volume No. 2.

Texas Eastern states that these tariff sheets are to replace certain tariff sheets included in Appendix E of a filing that it made on November 16, 1987 to comply with orders issued by the Commission on December 19, 1986 and October 15, 1987 in this proceeding. The tariff sheets, as corrected, reflect Texas Eastern's agreement that in the event that small customers served under Rate Schedules GS and CD-2 reduce their annual contract quantities, the annual quantity entitlements of such customers will not be reduced below their newly nominated annual contract quantities.

A copy of the filing has been served upon each of Texas Eastern's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 21, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-29079 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP85-206-032 and RP85-206-030]

**Compliance Filing; Northern Natural Gas Co.**

December 15, 1987.

Take notice that on December 7, 1987, Northern Natural Gas Company, Division of Enron Corporation, tendered for filing First Revised First Substitute Second Revised Sheet No. 4g.2, which had inadvertently been omitted from its November 27, 1987 filing in Docket No. RP85-206-030.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 22, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Any person intervening in Docket No. RP85-206-030 does not need to intervene again.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-29161 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-178-024]

**Filing of Refund Report; Tennessee Gas Pipeline Co., a Division of Tenneco Inc.**

December 16, 1987.

Take notice that on November 5, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) filed its report of refunds pursuant to Article VII of the Stipulation and Agreement (April 11, 1986) in the above-referenced docket.

Tennessee states that on October 15, 1987, it refunded \$86,172,512, including principal and interest, to its sales and

transportation customers for the period February 1, 1986 through July 31, 1987. The refund was made in accord with section 8 of Article I of the Stipulation.

Tennessee states that copies of the refund report have been mailed to all affected state regulatory commissions and that customers were served with calculations supporting the refunds on October 15, 1987 when the refunds were made.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests must be filed on or before January 4, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-29162 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-32 et al.]

**Conference; Williams Natural Gas Co. (Formerly Northwest Central Pipeline Corp.)**

December 11, 1987.

Take notice that a conference will be convened in this proceeding on December 21, 1987, at 9:00 a.m. at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, for the purpose of discussing sales services to be offered in conjunction with Order No. 436/500 open access transportation services.

Williams Natural Gas Company (WNG) has indicated that it has undertaken discussions and correspondence, with its jurisdictional sales customers and others, concerning revisions to the Order No. 436 Stipulation and Agreement (and, to the extent necessary, the related applications) filed with the Commission in certain of the above-referenced dockets on July 18, 1986, to comply with the "Order Approving Contested Settlement As Modified and Conditioned" and related orders issued February 20, 1987 and the "Order

Denying Rehearing and Modifying and Clarifying Order" issued November 4, 1987 in certain of the above-referenced dockets. WNG indicates that such revised Stipulation may impact WNG's general rate case filed January 23, 1987 in Docket No. RP87-33 and the related applications filed in Docket No. CP87-171, CP87-172 and CI87-239 and the proceedings in Docket Nos. TA87-3-43 and TA88-1-43.

The parties and the Commission Staff are invited to attend. Persons wishing to become parties must move to intervene pursuant to the Commission's regulations (18 CFR 385.214) and must have their motions granted.

For additional information, contact Russell Mamone (202-357-5744).

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-29081 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER88-134-000 et al.]

**Stratton Energy Associates et al.; Electric Rate and Corporate Regulation Filings**

December 16, 1987.

Take notice that the following filings have been made with the Commission:

**1. Stratton Energy Associates**

[Docket No. ER88-134-000]

Take notice that on December 11, 1987, Stratton Energy Associates (SEA) tendered for filing with the Federal Energy Regulatory Commission (Commission), pursuant to 18 CFR 35.1 and 35.12, a proposed initial rate schedule applicable to sales at wholesale of electric energy and capacity to Central Maine Power Company (CMP) from a biomass wood-to-energy facility to be located in Stratton, Maine (Facility). This initial rate schedule is a negotiated Power Purchase Agreement for the ARS Carrabassett Power Project between SEA and CMP (Agreement) and has been designated SEA Rate Schedule No. 1.<sup>1</sup>

<sup>1</sup> The original Agreement was between ARS Group, Inc. and CMP. Under the Agreement ARS Group, Inc. may assign its rights under the Agreement, subject to CMP's written consent: ARS Group, Inc. assigned its rights under the Agreement to SEA pursuant to that certain Agreement of Assignment and Assumption dated December 5, 1986. CMP gave its written consent to the assignment pursuant to that certain Consent to Assignment and Assumption dated December 29, 1986.

SEA has given notice that the Facility is a biomass-fired small power production facility with a net electric power production capacity of 37 megawatts. The Facility was certified by the Commission as a "qualifying facility" under Section 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). *ARS Group, Inc.*, Docket No. QF86-514-000, 35 FERC ¶62,221 (May 2, 1986). As such, SEA states that the Facility is exempt from regulation under the Public Utility Holding Company Act and from certain state laws and regulations, but remains subject to the Commission's jurisdiction under the Federal Power Act.

SEA requests waiver of the Commission's rule requiring that rate schedules be filed no more than one hundred-twenty (120) days prior to the date on which service is to commence under an initial rate schedule. This requirement is intended to prevent the use of stale data in developing the test period for cost-of-service based rates. Section 35.3(b) of the Commission's regulations allows the Commission to waive the one hundred-twenty (120) day notice period in appropriate circumstances. Since the rates are formula rates based on state forecasts and the buyer's costs, and do not involve SEA's costs for a particular test period, this requirement is not applicable.

SEA also seeks waiver of the Commission's regulations regarding cost-of-service documentation. The Commission has recognized, in other cases,<sup>2</sup> that the cost-of-service data requirements contained in § 35.12(b)(5) of its regulations are irrelevant insofar as they would require a small power producer to substantiate its cost-of-service. SEA requests this waiver on the grounds that this information is not relevant because rates are initially based on state-forecasted rates and then on the buyer's costs, and are not dependent upon the seller's costs.

SEA seeks waiver of the Commission's regulations regarding the Uniform System of Accounts prescribed for public utilities and licensees subject to the provisions of the Federal Power Act specified by 18 CFR Parts 101 and 104. Since rates are initially based upon state-forecasted rates and then upon the buyer's costs, this information and the need for uniformity in the seller's accounting systems are unnecessary. Moreover, this requirement imposes a substantial hardship and an undue

burden upon SEA as it requires more detailed accounting than SEA would otherwise undertake.

SEA seeks waiver of the Commission's regulations regarding certain accounts and reports required by 18 CFR Parts 41, 50, and 141. SEA seeks this waiver of the basis that such information and reports are irrelevant because the rates under the contract are not to be determined by SEA's costs. Therefore, it is not necessary to protect the public in general by requiring strict compliance with these sections.

SEA also petitions the Commission to waive commission rules that the Commission has previously determined not to be necessarily applicable to qualifying facilities such as the SEA Facility. These include regulations regarding accounting practices, reporting requirements, annual charges, dispositions of property and consolidations, securities issuances and assumptions of liability and the holding of interlocking directorate positions as they may apply to a biomass wood-to-energy facility.

*Comment date:* December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

## 2. Alamito Company

[Docket No. EC87-16-000]

Take notice that on December 8, 1987, Alamito Company tendered for filing an amendment to its application to request an order authorizing it to acquire preferred stock and debt securities of public utilities subject to the limitation that Alamito and its affiliates and subsidiaries shall not at any time hold, own, or possess any preferred stock or debt securities of any public utility in an amount greater than one percent of the capital stock for funded debt outstanding of the public utility subject to the provision of the Federal Power Act.

*Comment date:* December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

## 3. Black Hills Power and Light Company, an assumed business name of Black Hills Corporation

[Docket No. ER88-133-000]

Take notice that on December 10, 1987, Black Hill Power and Light Company, an assumed business name of Black Hills Corporation tendered for filing the Agreement for Transmission Service and the Common Use of Transmission Systems, dated as of January 1, 1986 (New Agreement), among Black Hills, Basin Electric Power Cooperative, Tri-County Electric Association, Inc., Black Hills Electric

Cooperative, Inc., and Butte Electric Cooperative, Inc. (all cooperatives referred to as Cooperatives) in replacement of and to supersede the Contract for Electric Transmission Service dated March 12, 1975 (Former Agreement) among Black Hills and the Cooperatives, filed with the Commission and designated Black Hills Power and Light Company, Rate Schedule FPC No. 22 and Exhibit A to Rate Schedule FPC No. 22.

Black Hills requests waiver of the Commission's notice requirements to permit this rate schedule to become effective January 1, 1986, this date being the date on which service commenced.

The New Agreement provides for Black Hills to continue to render transmission service to the Cooperatives within a defined transmission area as set forth in the New Agreement, but in addition provides for the joint planning and use of the parties respective transmission systems, for a charge to be made for a Black Hills' transmission addition and for additions to the transmission system when needed and extends the term to December 31, 2020.

Copies of the filing were served upon the parties to the New Agreement, the South Dakota Public Utilities Commission, the Wyoming Public Service Commission and the Montana Public Service Commission.

*Comment date:* December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

## 4. Interstate Power Company

[Docket No. ER88-132-000]

Take notice that on December 10, 1987, Interstate Power Company tendered for filing Amendment No. 5 dated September 22, 1986 (the Amendment) to Interconnection Agreement dated May 1, 1964, as supplemented, with Commonwealth Edison Company, proposed effective on October 28, 1987, per Rule 35.11 (11 CFR 35.11), relating to interconnection points of certain electric transmission facilities between Interstate and Edison at the Quad Cities Nuclear Power Station Substation near Cordova, Rock Island County, Illinois, in which facilities Iowa-Illinois Gas and Electric Company also has an interest.

This Amendment No. 5 to the 1964 Agreement shall become effective as of October 28, 1987. On October 28, 1987, there occurred the in-service condition of Interstate's 345kV electric transmission facilities and Circuit between the Quad Cities Station Substation and its Rock Creek Substation as provided under the Facilities Connection Agreement (Quad

<sup>2</sup> See, *Wheelabrator Frye, Inc.*, Docket Nos. EL82-7-000 and EL82-12-000, 19 FERC ¶61,266 (1982).

Cities Substation—Rock Creek Transmission) (Interstate Power Company, Rate Schedule FERC No. 127, as supplemented) filed with the Federal Energy Regulatory Commission in October, 1986, dated September 2, 1986. Such Amendment No. 5 shall continue in effect until termination in accordance with the provisions of the May 1, 1964 Interconnection Agreement, as supplemented.

Interstate states a complete copy of the filing has been mailed to Edison, the Utilities Division of the Iowa Department of Commerce, the Illinois Commerce Commission, and the Minnesota Public Utilities Commission.

Interstate states that Commonwealth has filed a Certificate of Concurrence to the Rate Schedule Supplement filed by Interstate.

*Comment date:* December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Metropolitan Edison Company

[Docket No. ER87-34-001]

Take notice that on December 10, 1987, Metropolitan Edison Company (Met-Ed) tendered for filing pursuant to Commission Order dated June 23, 1987 revised rate sheets to reflect an agreed upon reduction in Met-Ed's rates. Met-Ed's states that the rate sheets reflect a rate reduction in the amount of \$165,000 on an annual basis. Met-Ed also states that it requests waiver of the prior notice requirements of the Commission's regulations and an effective date of January 1, 1988 for the rate sheets.

Copies of the filing have been served upon all affected customers and the Pennsylvania Public Utilities Commission.

*Comment date:* December 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

#### 6. Southern California Edison Company

[Docket No. ER87-365-000]

Take notice that on December 10, 1987, Southern California Edison Company (Edison) tendered for filing an amendment to reflect the Tax Reform Act of 1986 in resale rates.

Copies of this filing have been served upon all parties affected by this proceeding.

*Comment date:* December 30, 1987, in accordance with Standard Paragraph E at the end of this document.

#### Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington,

DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-29183 Filed 12-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP87-71-000]

#### Railroad Commission of Texas; Preliminary Findings

Issued: December 15, 1987.

In the matter of Railroad Commission of Texas, Brown No. 1, NGPA Section 102, JD No. 80-45067 and H.E. Wilcox No. 1, NGPA Section 108, JD No. 80-44765.

On July 7, 1980, the Railroad Commission of the State of Texas (Texas) notified the Commission that it had made an affirmative determination under section 503 of the Natural Gas Policy Act of 1978 (NGPA) that gas produced from the H.E. Wilcox No. 1 well was stripper well natural gas as defined in NGPA section 108. Similarly, on July 15, 1983, Texas notified the Commission of its affirmative determination that gas produced from the Brown No. 1 well was from a new, onshore reservoir as defined in NGPA section 102(c)(1)(C). The determinations would have become final within 45 days after the Commission received notice thereof, but the Commission advised Texas and each applicant within 45 days of receiving each notice that the notice lacked sufficient information to permit Commission review of the determination, thereby tolling the 45-day period. The information that accompanied the notice regarding the stripper well determination failed to include the well's total production for the qualifying period, and to establish that the well's maximum efficient rate of flow is no more than 60 Mcf per production day. The information regarding the new, onshore well determination contained conflicts in identification of producing zones.

The Commission and Texas have repeatedly sought to obtain the

information that would allow Commission review of the notices. In followup letters to the applicants sent in August 1986 and January 1987, the Commission advised that if the required information were not received, the two aforementioned determinations might be reversed and that refunds might consequently be required. No responses to those letters have been received.

Section 503 of the NGPA empowers the Commission to review a jurisdictional agency's well category determination, and requires the Commission to reverse any determination not supported by substantial evidence in the record on which the determination was made.

In Subpart B of Part 274 of its regulations, the Commission established filing requirements for applications for well category determinations, and established the minimum information requirements for a jurisdictional agency's notice of a well category determination: a copy of the application, all information required by §§ 274.201-274.208 of the Commission's regulations to be filed with the jurisdictional agency, and an explanatory statement that is sufficient to enable a person examining the notice to ascertain the basis for the determination without reference to information or data not contained therein.

Because the notices of the subject determinations have been deficient for a considerable period of time, and the applicants for the determinations have not supplied the data necessary for review of the determinations, we will, consistent with our actions in *Delta Gas Corporation*,<sup>1</sup> issue preliminary findings pursuant to 18 CFR 275.202(a)(1)(i) that the determinations are not supported by substantial evidence.

#### The Commission orders:

(A) Pursuant to § 275.202 of the Commission's regulations and section 503 of the NGPA, the Commission finds preliminarily that the determinations by Texas at issue in these proceedings are unsupported by substantial evidence in the record on which the determinations were made.

(B) Jurisdictional agencies, interested parties, or any other parties may, within 30 days after issuance of this notice, submit written comments and request an informal conference with the Commission's staff.

<sup>1</sup> 35 FERC ¶61,097 (1986); 36 FERC ¶61,188 (1986).

By direction of the Commission.  
 Lois D. Cashell,  
*Acting Secretary.*  
 [FR Doc. 87-29159 Filed 12-18-87; 8:45 am]  
 BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-830027; FRL-3304-3]

### Chlorendic Acid/Anhydride; Request for Records and Reports Regarding Significant Adverse Reactions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that EPA is requiring manufacturers, importers, processors, and distributors of chlorendic acid and chlorendic anhydride to submit records and reports of allegations that these substances cause significant adverse reactions to health or the environment. This Toxic Substances Control Act (TSCA) section 8(c) action is necessary so that health risks of exposure to chlorendic acid/anhydride can be evaluated.

**DATE:** Records and reports should be submitted by February 4, 1988.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St. SW., Washington, DC 20460, Telephone: (202) 554-1404.

**SUPPLEMENTARY INFORMATION:** Under the authority of section 8(c) of TSCA, chemical manufacturers, processors, importers, and distributors must maintain records of significant adverse reactions to health or the environment alleged to have been caused by chemical substances or mixtures and, upon request, submit or make the records available to the Agency. Regulations specifying these recordkeeping and reporting requirements are codified at 40 CFR Part 717. EPA can notify those responsible for reporting by letter and/or by announcing such requirements for submitting copies of records by a notice in the *Federal Register*. A *Federal Register* notice will be used when a large number of respondents is expected, or because of confidentiality claims for corporate identity.

Therefore, pursuant to 40 CFR 717.17 this notice requires the submission of records of significant adverse reactions to health or the environment alleged to have been caused by chlorendic acid (CAS No. 115-28-6) and chlorendic

anhydride (CAS No. 115-27-5). This notice also requires reporting of records kept pursuant to this Part that cite as the cause of a significant adverse reaction a mixture, article, site discharge, or company process/operation that contains or involves chlorendic acid/anhydride where the significant adverse reaction could reasonably be attributed in whole or in part to such substances or a synergistic reaction of these substances in combination with another (other) substance(s).

The report shall contain the company name and address, the name and telephone number of a contact person, and at a minimum be in the form of a copy of the abstract of the allegation record that is required to be kept pursuant to 40 CFR 717.15(b)(2). Records currently on file or recorded as of publication of this notice must be submitted no later than February 4, 1988. Copies of records should bear the docket number 8cF-1287-0001 and must be submitted to:

Document Processing Center (TS-790), Rm. L-100, Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, ATTN: Section 8(c) Report.

Approved by the Office of Management and Budget under control number 2070-0017.

Dated: December 7, 1987.

John A. Moore,

*Assistant Administrator for Pesticides and Toxic Substances.*

[FR Doc. 87-29158 Filed 12-18-87; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1696]

### Petitions for Reconsideration and Applications for Review of Actions in Rulemaking Proceedings; Correction

On December 16, 1987, at 52 FR 47756, the Commission published a Public Notice (Report No. 1696) announcing the filing of petitions for reconsideration in proceedings involving the TV Table of Assignments, the FM Table of Allotments, and the Use of Certain Generally Accepted Accounting Principles in Part 32. The due date for oppositions was inadvertently omitted. That date is January 4, 1988.

William J. Tricarico,

*Secretary.*

[FR Doc. 87-29274 Filed 12-18-87; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

### Agreement(s) Filed; Cunard Steamship Co. et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 207-009498-008.

*Title:* Atlantic Container Line Agreement.

*Parties:*

The Cunard Steam-Ship Company, plc  
 Incotrans BV  
 Compagnie Generale Maritime  
 Rederiaktiebolaget Soya (Soya)  
 Aktiebolaget Svenska Amerika Linien  
 Rederiaktiebolaget Transatlantic

*Synopsis:* The proposed amendment would expand the geographic scope of the agreement to include U.S. St. Lawrence River and Great Lakes ports and points via such ports and would specifically exclude West Coast Canadian ports. It would also set forth conditions under which Soya could carry certain wheeled and non-containerizable cargoes. It would require the unanimous consent of the parties to admit new participants to the agreement and provides for the withdrawal of any party upon two years' notice given on, or after, May 15, 1999. Further, the amendment would make certain technical and administrative changes to the agreement.

*Agreement No.:* 202-010268-010.

*Title:* Australia/Eastern U.S.A. Shipping Conference.

*Parties:*

Columbus Line  
 PACE Line

*Synopsis:* The proposed amendment would expand the geographic scope of the agreement to include U.S. coastal or interior points via U.S. Atlantic and Gulf ports. The parties have requested a shortened review period.

*Agreement No.:* 203-011153-001.

*Title:* Hanjin Container Lines, Ltd.  
Korea Shipping Corporation Facilitation  
Agreement.

*Parties:*

Hanjin Container Lines, Ltd.  
Korea Shipping Corporation

*Synopsis:* The proposed amendment would permit the parties to lease each other space and other accommodations and facilities obtained from connecting inland carriers. The parties have requested a shortened review period.

*Agreement No.:* 232-011159.

*Title:* American Transport Line Ltd./  
South Atlantic Cargo Shipping N.V.  
(Atlanticargo) Space Charter  
Agreement.

*Parties:*

American Transport Line, Ltd.  
South Atlantic Cargo Shipping N.V.  
(Atlanticargo)

*Synopsis:* The proposed agreement would permit the parties to charter space on one another's vessels, to interchange containers and related equipment and to rationalize sailings in the trade between ports in Europe and ports in the United States. The parties have requested a shortened review period.

By Order of the Federal Maritime  
Commission.

Joseph C. Polking,  
Secretary.

Dated: December 15, 1987.

[FR Doc. 87-29185 Filed 12-18-87; 8:45 am]  
BILLING CODE 8730-01-M

#### **Agreement(s) Filed; Georgia Ports Authority**

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 224-010906-001.

*Title:* Georgia Ports Authority  
Terminal Agreement.

*Parties:*

Georgia Ports Authority.  
United Arab Shipping Co.

*Synopsis:* The proposed agreement amends the provision for charge of rental, wharfage and designated services specified in the basic agreement to provide for a single unit charge to be reflected in a separate schedule to be submitted to the Federal Maritime Commission as agreement amendments in advance of the effective date of such charges.

By Order of the Federal Maritime  
Commission.

Joseph C. Polking,  
Secretary.

Dated: December 16, 1987.

[FR Doc. 87-29184 Filed 12-18-87; 8:45 am]  
BILLING CODE 8730-01-M

#### **FEDERAL RESERVE SYSTEM**

##### **Marshall & Ilsley Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities**

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted through out the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the

evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 8, 1988.

**A. Federal Reserve Bank of Chicago**  
(David S. Epstein, Vice President) 230  
South LaSalle Street, Chicago, Illinois  
60690:

1. *Marshall & Ilsley Corporation*,  
Milwaukee, Wisconsin; to acquire  
Richter Schroeder Company, Inc.,  
Milwaukee, Wisconsin, and thereby  
engage in arranging commercial real  
estate equity financing pursuant to  
section 225.25(b)(14) of the Board's  
Regulation Y.

Board of Governors of the Federal Reserve  
System, December 15, 1987.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 87-29134 Filed 12-18-87; 8:45 am]  
BILLING CODE 12-21-M

##### **Northern Trust Corp., Application To Engage de Novo in Permissible Nonbanking Activities**

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the

reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 7, 1988.

**A. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Northern Trust Corporation*, Chicago, Illinois; to engage de novo as a futures commission merchant through its subsidiary Northern Futures Corporation, Chicago, Illinois, on the Bond Buyer Municipal Index, Standard & Poor's 500 Stock Price Index, Major Market, Index, New York Stock Exchange Composite Index, pursuant to § 225.25(b)(18) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 15, 1987.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 87-29135 Filed 12-18-87; 8:45 am]

BILLING CODE 6210-27-M

#### **Saban S.A. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 11, 1988.

**A. Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Saban, S.A.*, Panama City, Panama; to acquire 5.05 percent of the voting shares of Republic New York Corporation, New York, New York, and thereby indirectly acquire The Williamsburgh Savings Bank, Brooklyn, New York, and Republic National Bank of New York, New York, New York.

2. *The Summit Bancorporation*, Summit, New Jersey; to acquire 100 percent of the voting shares of Ultra Bancorporation, Bridgewater, New Jersey, and thereby indirectly acquire First National Bank of Central Jersey, Bridgewater, New Jersey.

3. *The Summit Bancorporation*, Summit, New Jersey; to acquire 9.9 percent of the voting shares of Central Jersey Bancorp. Freehold Township, New Jersey, and thereby indirectly acquire Central Jersey Bank & Trust Company, Freehold Township, New Jersey.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *AmSouth Bancorporation*, Birmingham, Alabama; to acquire 100 percent of the voting shares of Gulf First Holding Corporation, Panama City, Florida, and Gulf Coast Holding Corporation, Panama City, Florida, and thereby indirectly acquire The First National Bank of Panama City, Panama City, Florida.

2. *First Community Bancshares, Inc.*, Rome, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First Rome Bank, Rome, Georgia.

3. *SouthTrust Corporation*, Birmingham, Alabama; to acquire 80 percent of the voting shares of Melton's Bank, Liberty, Tennessee.

**C. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lincoln Financial Corporation*, Fort Wayne, Indiana; to acquire 100 percent of the voting shares of Wabanc, Inc., Wabash, Indiana, and thereby indirectly acquire The First National Bank in Wabash, Wabash, Indiana.

**D. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Anmer Corporation*, Neligh, Nebraska; to become a bank holding

company by acquiring 84.45 percent of the voting shares of The National Bank of Neligh, Neligh, Nebraska.

2. *Telluride Bancorp., Ltd.*, Telluride, Colorado; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Telluride, Telluride, Colorado.

Board of Governors of the Federal Reserve System, December 15, 1987.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 87-29136 Filed 12-18-87; 8:45 am]

BILLING CODE 6210-01-M

#### **Change in Bank Control Notices, Acquisitions of Shares of Banks or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 11, 1988.

**A. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Burton J. and Bonnie L. Thompson*, Osborne, Kansas; to acquire 35 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

2. *Noreen Gregory*, Osborne, Kansas; to acquire 24.5 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

3. *James T. and Debra J. Eilert*, Osborne, Kansas; to acquire 10 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

4. *Ernestine Mick*, Downs, Kansas; to acquire 10 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire

First State Bank and Trust Company, Osborne, Kansas.

5. *Jake C. and Elberta J. Yunk*, Osborne, Kansas; to acquire 7.5 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

6. *Jonathan A. and Candace J. Hammond*, Osborne, Kansas; to acquire 2.5 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

7. *Paul S. and Eugenia Mae Gregory*, Osborne, Kansas; to acquire 5.5 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

8. Osborne Bankshares, Inc., *Frances L. and James Marvin Leadabrand*, Osborne, Kansas; to acquire 5.0 percent of the voting shares of Osborne Bankshares, Inc., Osborne, Kansas, and thereby indirectly acquire First State Bank and Trust Company, Osborne, Kansas.

Board of Governors of the Federal Reserve System, December 15, 1987.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 87-29137 Filed 12-8-87; 8:45 am]

BILLING CODE 6210-01-M

#### **Royal Windsor Holding Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company**

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted through out the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 30, 1987.

**A. Federal Reserve Bank of Atlanta**  
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303.

1. *Royal Windsor Holding Corporation*, New Orleans, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Jefferson Guaranty Bank, Metairie, Louisiana.

In connection with this application, Applicant has also applied to acquire Jefferson Financial Services, Inc., Metairie, Louisiana, and thereby engage in date processing activities pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 17, 1987.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 87-29299 Filed 12-18-87; 8:45 am]

BILLING CODE 6210-01-M

#### **FEDERAL TRADE COMMISSION**

##### **Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires

persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

#### **TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 120187 AND 121187**

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
(1) Robert M. Bass, Bell and Howell Company, Bell and Howell Company	88-0339	12/01/87
(2) Total Compagnie Francaise des Petroles, Total Petroleum (North America) Ltd., Total Petroleum (North America) Ltd.	88-0286	12/02/87
(3) N.V. Medicopharma, Martin and Ruth Sachnoff, Pennex Products Co., Inc.	88-0308	12/02/87
(4) Baptist General Convention of Texas, Gaston Episcopal Hospital, Gaston Episcopal Hospital	88-0337	12/02/87
(5) Spear, Leeds & Kellogg, Allegheny International, Inc., Allegheny International, Inc.	88-0338	12/02/87
(6) IRT Property Company, Harris-Teeter Properties, Inc., Harris-Teeter Properties, Inc.	88-0372	12/02/87
(7) International Paper Company, Colgate-Palmolive Company, The Kendall Company	88-0269	12/03/87
(8) International Paper Company, Arvey Corporation, Arvey Corporation	88-0318	12/03/87
(9) General Electric Company, Holiday Corporation, Embassy Suites, Inc.	88-0340	12/03/87
(10) Kenneth R. Thomson, Thomas E. Worrell, Jr., 1-Bluefield Daily Telegraph, 2-Princeton Times	88-0366	12/03/87
(11) Masao Nangaku, a natural person John B. Anderson, a natural person, M & R Investment Co., Inc.	88-0123	12/04/87
(12) Louis J. Roussel, Kaufman and Broad, Inc., Coastal States Life Insurance Company	88-0194	12/04/87
(13) S.E. McCraies Trust, Vernon Savings & Loan Association, FSA State Reserve	88-0247	12/04/87
(14) CSR Limited, Samuel A. Horvitz Testamentary Trust, Mack Industries, Inc.	88-0312	12/04/87
(15) Fireman's Fund Corporation, Sabine Royalty Trust, Sabine Royalty Trust	88-0336	12/04/87
(16) Fireman's Fund Corporation, Mesa Royalty Trust, Mesa Royalty Trust	88-0347	12/04/87
(17) The Fulcrum III Limited Partnership, CNW Corporation, CNW Corporation	88-0373	12/04/87
(18) Pitney Bowes Inc., Baldwin Cooke Company, Baldwin Cooke Company	88-0379	12/04/87

## TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 120187 AND 121187—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
(19) Montedison S.p.A., BMF Services, Inc., BMF Services, Inc.	88-0403	12/04/87
(20) Ford Motor Company, Imperial Corporation of America, ICA Mortgage Corporation	88-0407	12/04/87
(21) Phillips Beverage Company, Alco Standard Corporation, Ed Phillips & Sons Co. and Phillips Products Company	88-0410	12/04/87
(22) K.A.C., Inc., Richard Hensley, Dayton Extruded Plastics, Inc. and Sandlin Properties	88-04119	12/04/87
(23) K.A.C., Inc., Robert Buhrman, Dayton Extruded Plastics, Inc. and Sanlin Properties	88-0412	12/04/87
(24) R.T. Holding S.A., International Cheese Co., Inc., International Cheese Co., Inc.	88-0422	12/04/87
(25) Coeur d'Alene Mines Corporation, Royal Apex Silver, Inc., Royal Apex Silver, Inc.	88-0438	12/04/87
(26) First Chicago Corporation, Brown Jordan Company Limited Partnership, American Lantern Company Division	88-0273	12/05/87
(27) Cadbury Schweppes PLC, American Brands, Inc., Taylor Food Products, Inc.	88-0296	12/07/87
(28) Hygeia NV, Bergen Brunswig Corporation, Bergen Brunswig Medical Supply Company	88-0380	12/07/87
(29) Schering Aktiengesellschaft, Tosoh Corporation, Tosoh Corporation	88-0383	12/07/87
(30) GTE Corporation, The Times Mirror Company, Times Mirror Press	88-0386	12/07/87
(31) B/S Investments, Champion Spark Plug Company, UPE plus voting securities of Debiliss Electron Corp.	88-0398	12/07/87
(32) Buntz plc, Seymour Grubman, Papercraft, Inc.	88-0342	12/08/87
(33) Union Pacific Corporation, The Beard Company, The Beard Company	88-0389	12/08/87
(34) John M. Goode, Motorola, Inc., Motorola, Inc.	88-0390	12/08/87
(35) SHM Holdings, Inc., Holiday Corporation, Holiday Inns, Inc.	88-0394	12/08/87
(36) The BOC Group, p.l.c., Baxter Travenol Laboratories, Inc., Baxter Healthcare Corporation and Caremark, Inc.	88-0395	12/08/87
(37) Quatro Limited, Quixote Corporation, LaserVideo, Inc.	88-0409	12/08/87
(38) Hooker Corporation Limited, P.I. Acquisition, P.I. Acquisition	88-0414	12/08/87
(39) Hooker Corporation Limited, Parisian, Inc., Parisian, Inc.	88-0415	12/08/87
(40) Edward J. DeBartolo, Edward J. DeBartolo, Rivercenter Associates	88-0417	12/08/87
(41) The DeWitt and Lila Wallace Trust, Pergamon Holding Foundation, The Webb Company	88-0431	12/08/87
(42) Voting Trust of Hallmark Cards, Inc., ECL Investments, S.A., Univisa, Inc.	88-0442	12/08/87
(43) Welsh, Carson, Anderson & Stowe IV, Decision Industries Corporation, Decision Industries Corporation	88-0464	12/08/87
(44) Dominion Textile Inc., Morgan Stanley Group Inc., Burlington Fabrics I Inc.	88-0291	12/09/87
(45) Societe Alsacienne de Supermarcher, S.A., Apollo Supermarkets Company, Apollo Supermarkets Company	88-0332	12/09/87
(46) English China Clays P.L.C., J.L. Shiehy Company, J.L. Shiehy Company	88-0401	12/09/87

## TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 120187 AND 121187—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
(47) Colgate-Palmolive Company, Minnetonka Corporation, Minnetonka, Inc.	38-0405	12/09/87
(48) Pergamon Holding Foundation, Alco Gravure Industries, Inc., Alco Gravure Industries, Inc.	88-0323	12/10/87
(49) LHS Corp HealthWest Foundation, HealthWest Foundation	88-0358	12/10/87
(50) LHS Corp., Northridge Hospital Foundation, Northridge Hospital Foundation	88-0359	12/10/87
(51) Roger S. Penske, Detroit Diesel Corporation, Detroit Diesel Corporation	88-0360	12/10/87
(52) General Motors Corporation, Detroit Diesel Corporation, Detroit Diesel Corporation	88-0361	12/10/87
(53) Merv Griffin, Hilton Hotels Corporation, Hilton Hotels Corporation	88-0381	12/10/87
(54) Merv Griffin, The Prudential Insurance Company of America, The Prudential Insurance Company of America	88-0382	12/10/87
(55) E.I. Du Pont De Nemours & Company, Incorporated, Royal Dutch Petroleum Company, Shell Offshore Inc.	88-0413	12/10/87
(56) W.R. Grace & Co., National Medical care, Inc., National Medical care, Inc.	88-0423	12/10/87
(57) Ferranti plc Pentamation Enterprises, Inc., Pentamation Enterprises, Inc.	88-0452	12/10/87
(58) The Yasuda Mutual Life Insurance Company, Paine Webber Group Inc., Paine Webber Group Inc.	88-0461	12/10/87
(59) Owens & Minor, Inc., David Levitsky, Leon Stotter, Inc.	88-0465	12/10/87
(60) Dominion Textile Inc., Waynesboro Textiles, Inc., Wayn-Tex Division of WT	88-0473	12/10/87
(61) Midland Financial Co., Victor Savings & Loan Association, Horizon Financial Corporation, et. al.	88-0474	12/10/87
(62) Sun Company, Inc., PS Group, Inc., Statex Petroleum, Inc.	88-0480	12/10/87
(63) BBC Brown Boveri & Company Ltd., Newco (Proposed BBC joint venture name), Newco (Proposed BBC joint venture name)	88-2524	12/11/87
(64) ASEA AB, Newco, Newco	88-0073	12/11/87
(65) Bast Aktiengesellschaft, Tennessee, Inc., Mid Louisiana Gas Company and Creole Pipeline Corp.	88-0346	12/11/87
(66) Noble Drilling Corporation, General Electric Company, General Electric Credit Corporation/TIFD IV	88-0393	12/11/87
(67) General Electric Company, Noble Drilling Corporation, Noble Drilling Corporation	88-0396	12/11/87
(68) Electrowatt Ltd., Borg Warner Holdings Corporation, Borg Warner Holdings Corporation	88-0416	12/11/87
(69) Ametek, Inc., Pfizer, Inc., Pfizer, Inc.	88-0447	12/11/87
(70) Imo Delaval Inc., IFINT S.A., IFINT-Incom Inc.	88-0469	12/11/87
(71) The RTZ Corporation PLC, Franklin R. Gorell, Season-all Industries, Inc.	88-0477	12/11/87
(72) Robert M. Bass, Allegis Corporation, Allegis Corporation	88-0488	12/11/87

**FOR FURTHER INFORMATION CONTACT:**  
Sandra M. Peay, Contact Representative, Premerger Notification Office, Bureau of Competition, Room

301, Federal Trade Commission, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 87-29155 Filed 12-18-87; 8:45 am]

BILLING CODE 6750-01-M

## GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-40, Supp. 26]

## Federal Travel Regulations

**AGENCY:** Federal Supply Service, GSA.

**ACTION:** Notice of changes to Federal Travel Regulations.

**SUMMARY:** GSA has issued GSA Bulletin FPMR A-40, Supplement 26, transmitting changed pages amending the provisions of Federal Travel Regulations (FTR), FPMR 101-7, to establish a limitation on the amount which may be reimbursed for a loan origination fee, to increase the maximum dollar amount for reimbursement of allowable real estate sale and purchase expenses incident to a change of official station, and to modify the prohibition against contracting with third-party relocation companies for the provision of services similar to those offered by General Services Administration (GSA) through its travel and transportation services programs.

**EFFECTIVE DATE:** a. The revised provisions of the FTR, Chapter 2, Part 2-6, pertaining to reimbursement levels are effective for employees whose effective date of transfer is on or after October 1, 1987. For purposes of these regulations, the effective date of transfer is the date the employee reports for duty at the new official station.

b. The revised provisions of FTR, Part 2-12, pertaining to relocation service contracts are effective October 1, 1987.

**FOR FURTHER INFORMATION CONTACT:** Staff members, Regulations and Policy Division (FTS 557-1253, 557-1256, or 557-7525 (for non-FTS use AC 703)).

**SUPPLEMENTARY INFORMATION:** GSA, in consultation with the Office of Management and Budget, has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects.

GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least cost to society.

The impetus for these rule changes derives from three sources. The change dealing with certain loan fees has been formulated in response to recommendations by the General Accounting Office. The annual updates to the maximum amounts that may be reimbursed for expenses incurred by transferred employees for the sale and purchase of residences are required by 5 U.S.C. 5724a(a)(4)(B). The change allowing agencies to contract with third-party relocation companies for the administration of GSA's centralized household goods program results from experience gained utilizing third-party relocation service contracts.

#### Explanation of Changes

a. Paragraph 2-6.2d(1)(b) is revised to establish a general limitation of 1 percent on the amount which may be reimbursed for a loan origination fee incurred by an employee when purchasing a residence at a new official station. A higher percentage may be reimbursed if an employee shows by clear and convincing evidence that the higher rate is customary in the area of an employee's new residence and that it does not include prepaid interest, points, or a mortgage discount. The reimbursements for loan origination fees, loan assumption fees, and loan transfer fees are intended to cover a lending institution's charges for administrative-type costs involved in extending credit. However, there is no requirement for itemization of such costs within the percentage rate authorized or approved for payment.

b. Paragraph 2-6.2g(1) and (2) are amended to reflect a 1.8 percent increase in maximum reimbursements for real estate expenses. The dollar maximum for reimbursement of allowable expenses incurred for the sale of the residence at the old official station is increased from \$16,873 to \$17,177, and the dollar maximum for reimbursement of expenses related to purchase of a new residence at the new official station is increased from \$8,437 to \$8,589.

c. Paragraph 2-12.6b(1) is revised to allow agencies to incorporate GSA's centralized household goods traffic management program into their

relocation service contracts to the extent that third-party service companies may administer such a program on behalf of the agency.

Accordingly, the Federal Travel Regulations are amended as follows:

#### Chapter 2. Relocation Allowances

1. Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 5 U.S.C. 5707; E.O. 11609, July 22, 1971, E.O. 12466, February 27, 1984, and E.O. 12522, June 24, 1985.

#### Part 6. Allowances for Expenses Incurred in Connection With Residence Transactions

2. Paragraphs 2-6.2d(1)(b) and 2-6.2g are revised to read as follows:

2-6.2 *Reimbursable and nonreimbursable expenses.*

\* \* \* \* \*

##### d. *Miscellaneous Expenses.*

(1) *Reimbursable items.* The expenses listed below are reimbursable in connection with the sale and/or purchase of a residence, provided they are customarily paid by the seller of a residence in the locality of the old official station or by the purchaser of a residence at the new official station, to the extent they do not exceed specifically stated limitations, or in the absence thereof, amounts customarily paid in the locality of the residence.

(a) \* \* \*

(b) Loan origination fees and similar charges such as loan assumption fees and loan transfer fees. A loan origination fee is a fee paid by the borrower to compensate the lender for administrative-type expenses incurred in originating and processing a loan. Reimbursement for a loan assumption fee or a loan transfer fee or a similar charge also may be allowed, if it is assessed in lieu of a loan origination fee and reflects charges for services similar to those covered by a loan origination fee. An employee may be reimbursed for these fees in an amount not in excess of 1 percent of the loan amount without itemization of the lender's administrative charges. Reimbursement may exceed 1 percent only if the employee shows by clear and convincing evidence that: (1) The higher rate does not include prepaid interest, points, or a mortgage discount; and (2) the higher rate is customarily charged in the locality where the residence is located.

\* \* \* \* \*

g. *Overall limitations.* The total amount of expenses that may be reimbursed is as follows:

(1) In connection with the sale of the

residence at the old official station, reimbursement shall not exceed 10 percent of the actual sale price or \$17,177, whichever is the lesser amount.

(2) In connection with the purchase of a residence at the new official station, reimbursement shall not exceed 5 percent of the purchase price or \$8,589, whichever is the lesser amount.

\* \* \* \* \*

#### Part 12. Use of Relocation Service Companies

3. Paragraph 2-12.6b(1) is revised to read as follows:

2-12.6 *Form and scope of relocation service contracts*

\* \* \* \* \*

b. \* \* \*

(1) GSA has established certain travel and transportation programs that agencies are required to use. Examples are the centralized household goods traffic management program, the airline services contracts, and travel management center contracts. While similar services may be offered by relocation companies, agencies cannot use them. However, this restriction does not prohibit agencies from incorporating the GSA centralized household goods traffic management program, as a mandatory services source, into contracts with relocation service companies. Thus, relocation companies may act as third-party service firms to administer GSA's centralized household goods traffic management program on behalf of the contracting agency.

\* \* \* \* \*

Dated: November 25, 1987.

T.C. Golden,

Administrator of General Services.

[FR Doc. 87-29142 Filed 12-18-87; 8:45 am]

BILLING CODE 6820-24-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 76N-0366]

**Provisionally and Permanently Listed Uses of FD&C Red No. 3 and Its Lakes; Postponement of Final Date for Submission of Data for Specific Uses; Request for Use Data in Pet and Animal Food**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is postponing the final date for the submission of

information pertaining to the sale and use of FD&C Red No. 3 and its lakes by persons interested in the continued use of this color additive (in food, drugs, and cosmetics). The new date will be February 1, 1988. This action responds to requests by manufacturers for additional time to compile and tabulate the requested information. In addition, FDA is requesting that all persons interested in the continued use of FD&C Red No. 3 and its lakes in pet and animal food products also respond to the request for information.

**DATE:** The new final date for the submission of specific use data for FD&C Red No. 3 and its lakes is February 1, 1988.

**ADDRESS:** All information is to be submitted to the Division of Food and Color Additives (HFF-330), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

**FOR FURTHER INFORMATION CONTACT:**

Gerard L. McCowin, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5676.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of November 19, 1987 (52 FR 44485), FDA published a notice requesting that all persons interested in the food, drug, and cosmetic applications of FD&C Red No. 3 and its lakes to submit information pertaining to the sale and use of FD&C Red No. 3 and its lakes in these products. In that notice the agency established December 21, 1987, as the final date for submission of these data to the agency. The agency received comments from several potential respondents and trade associations requesting a postponement of the final date for submission of these data. The comments indicated that compiling the information requested will take longer than the original final date of December 21, 1987. The comments requested extensions that ranged from 30 to 60 days.

In order that respondents have the opportunity to provide the agency with information it needs, the agency is postponing the final date for the submission of use information on FD&C Red No. 3 and its lakes until February 1, 1988.

In the November 19, 1987, notice, the agency explained that the requested information will be used to assess potential exposure and to allocate (section 706(b)(8) of the Federal Food, Drug, and Cosmetic Act) the allowable safe uses of FD&C Red No. 3 if allocation is necessary and appropriate based upon the agency's evaluation of

available toxicological data. The confidentiality of this and all information submitted to FDA will be maintained in accordance with 21 CFR 71.15.

In the November 19, 1987, notice, the agency inadvertently omitted specific mention of animal and pet food product applications as a class about which information is requested. FDA is hereby correcting that omission by requesting that information it requested in the November 19, 1987, notice also be submitted by persons interested in the continued use of FDA Red No. 3 and its lakes in animal and pet food products.

Dated: December 15, 1987.

John M. Taylor,

*Associate Commissioner for Regulatory Affairs.*

[FR Doc. 87-29032 Filed 12-18-87; 8:45 am]

BILLING CODE 4160-01-M

## National Institutes of Health

### National Institute of Diabetes and Digestive and Kidney Diseases; National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the National Diabetes Advisory Board's meeting dates which will be January 11-12, 1988. The meetings will begin at 8:30 a.m. and end at approximately 5 p.m. each day. The primary location is Marriott's Mountain Shadows Resort, 5641 East Lincoln Drive, Scottsdale, Arizona 85253. Other portions of the meeting will be held in research and health-care facilities located in the area. The primary purpose of the meeting is to discuss the Board's activities and to continue evaluation of the implementation of the long-range plan to combat diabetes mellitus. Although the entire meeting will be open to the public, attendance will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

For any further information, please contact Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 496-6045. His office will provide, for example, a membership roster of the Board and an agenda and summaries of the actual meetings.

Dated: December 14, 1987.

Betty J. Beveridge,

*NIH Committee Management Officer.*

[FR Doc. 87-29222 Filed 12-18-87; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UT-920-08-4121-10]

### Utah, Colorado; Uinta-Southwestern Utah Federal Coal Production Region

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice cancelling the Uinta-Southwestern Utah Federal Coal Production Region and opening the twenty-six county area to lease by application.

**SUMMARY:** On November 9, 1979, the Bureau of Land Management (BLM) established the Uinta-Southwestern Utah Federal Coal Production Region for the management of federally owned coal (44 FR 65197). Recent assessments indicate that industry interest, based on market conditions and existing potential production capacities, does not justify the federally initiated coal lease sale program procedures of 43 CFR Part 3420. In accordance with 43 CFR 3400.5, this notice decertifies the Uinta-Southwestern Utah Federal Coal Production Region. Further, this notice designates Federal coal reserves in the twenty-six county area of Utah and Colorado as open to lease by application in accordance with 43 CFR Part 3425.

**EFFECTIVE DATE:** January 20, 1988.

**FOR FURTHER INFORMATION CONTACT:**

Max Nielson (801) 524-3004, Utah State Office, Bureau of Land Management, 324 South State Street, Suite 301, Salt Lake City, Utah 84111-2303.

**SUPPLEMENTARY INFORMATION:** The Uinta-Southwestern Utah Federal Coal Production Region was established by the Bureau of Land Management (BLM) on November 9, 1979, together with a number of other regions to implement competitive coal leasing under regulations contained in 43 CFR Part 3420. The Uinta-Southwestern Utah Region includes the following counties: In Utah—Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Kane, Morgan, San Juan, Sanpete, Sevier, Summitt, Uintah, Utah, Wasatch, Washington, and Wayne. In Colorado—Delta, Garfield, Gunnison, Mesa, Montrose, Ouray, Pitkin, and San Miguel. The coal production region was estimated to contain sufficient Federal coal deposits to justify offering coal leases through the competitive leasing process set out in 43 CFR Part 3420.

A long-range regional market analysis was prepared and made available for public review and comment in

September 1987. This market analysis and the public comments were then reviewed and discussed by the Regional Coal Team (RCT) at its October 27, 1987 meeting. Based on this review, the RCT concluded that existing coal production capacity is sufficient to meet near-term regional needs. Consequently, the RCT recommended that the Uinta-Southwestern Utah Federal Coal Production Region should be decertified and that lease by application procedures should be implemented to satisfy near-term leasing needs.

The expected benefits are a substantial savings in administrative costs to both the Federal Government and the States of Utah and Colorado, while retaining a responsive leasing process for the coal industry. No additional social, economic, or environmental impacts are anticipated as a result of this change in the method of leasing. The Uinta-Southwestern Utah Regional Coal Team will fully participate in coal lease consideration in the lease by application mode. If the demand for Federal coal increases significantly, regional coal activity, planning procedures can be reactivated through recertification of the Uinta-Southwestern Utah Federal Coal Production Region.

In accordance with 43 CFR 3400.5, this notice is to advise the public that the Uinta-Southwestern Utah Federal Coal Production Region is decertified, thereby declaring that the Federal coal reserves in those counties of Utah and Colorado listed above will be leased under 43 CFR Part 3425 (lease by application) rather than under 43 CFR Part 3420.

Any applications for Federal coal leasing being processed prior to this notice shall continue to be processed according to the procedures in effect at the time of applications.

Applications under 43 CFR 3425.1-5 shall be accepted by the BLM to lease Federal coal in the twenty-six counties named above. Three copies of the application shall be filed in either the Utah State Office of the BLM, 324 South State, Suite 301, Salt Lake City, Utah 84111-2303 or the Colorado State Office of the BLM, 2850 Youngfield Street, Denver, Colorado 80215-7076 (depending on the location of the application area).

Dated: December 14, 1987.

**Robert F. Burford,**

*Director, Bureau of Land Management.*

[FR Doc. 87-29132 Filed 12-18-87; 8:45 am]

BILLING CODE 4310-DQ-M

## Bureau of Reclamation

### Adoption of Navajo Power Marketing Plan

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of adoption.

**SUMMARY:** On December 1, 1987, C. Dale Duvall, Commissioner of Reclamation, adopted a Navajo Power Marketing Plan (Plan) on behalf of the Secretary of the Interior, pursuant to section 107 of the Hoover Power Plant Act of 1984 (98 Stat. 1333) (Act). That Act provides that electrical capacity and energy associated with the United States' interest in the Navajo Generating Station which is in excess of the pumping requirements of the Central Arizona Project (CAP) and certain needs for desalting and protective pumping facilities (Navajo Surplus) shall be marketed and exchanged by the Secretary of Energy in a manner which optimizes the availability of Navajo Surplus and provides financial assistance in the timely construction and repayment of construction costs of authorized features of the CAP. The Act also provides that rates for Navajo Surplus shall not exceed levels that allow for an appropriate savings for the power contractors.

The adopted Plan, a cooperative effort among Federal, State, public, and private agencies, provides the criteria to be used in the sale and exchange of capacity and energy from Navajo determined to be surplus to the needs of CAP after the completion of the New Waddell Dam. The New Waddell Dam is a regulatory storage feature of the CAP which will allow for operating flexibility to increase winter season pumping and reduce summer season pumping, thereby providing an enhanced power resource during the peak load season of the Southwest.

At Reclamation's request, the Western Area Power Administration (Western) initiated and administered a public process to obtain comments on the Plan prior to its adoption. A notice requesting comments on the proposed Plan was published in the **Federal Register** on September 4, 1987. Western conducted a public information forum on the Plan in Phoenix, Arizona, on September 21, 1987, and a public comment forum in Phoenix, Arizona, on September 28, 1987. The period for accepting comments ended on October 5, 1987. Western received three oral comments at the public comment forum and six written comments prior to the end of the comment period. All comments supported the proposed Plan and

recommended that the Plan be adopted without change as quickly as possible.

Consultation with the Secretary of Energy, the Governor of Arizona, and the Central Arizona Water Conservation District, as required by the Act, was documented by the receipt of letters concurring in the Plan from the Secretary of Energy, acting by and through the Administrator of Western, the Governor of Arizona, and the President of the Board of Directors of the Central Arizona Water Conservation District.

**DATES:** As provided in Part X of the Plan, it will become effective January 20, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Benedict R. Radecki, Acting Chief, Division of Power, Bureau of Reclamation, 18th and C Streets, NW., Washington, DC 20240. Phone (202) 343-4890.

**SUPPLEMENTARY INFORMATION:** The United States has acquired an entitlement to 24.3 percent of generation available at Navajo for use by CAP pursuant to the Colorado River Basin Project Act (32 U.S.C. 1501, *et seq.*) The CAP is a Reclamation multipurpose water resource development and management project in Arizona. During initial years of construction of the CAP, the United States entitlement to Navajo power was sold on an interim basis to various public and private utilities (Layoff). The Layoff contracts were subject to withdrawal of power as needed by the United States. Notice of final withdrawal was given to all Layoff contractors, and the Layoff contracts terminated on May 31, 1987.

Section 107(c) of the Act provides that a power marketing plan be adopted by the Secretary of the Interior to provide for the marketing and exchange of Navajo Surplus. In order to provide for the interim marketing of Navajo Surplus during the initial delivery and pump testing of the CAP and during the pre-New Waddell Dam period, an Interim Navajo Power Marketing Plan (Interim Plan) was developed and adopted by the Commissioner of Reclamation on March 17, 1986.

The adopted Plan provides that the Interim Plan will terminate upon expiration of all contracts entered into pursuant to the Interim Plan. Contracts entered into under the Interim Plan will expire upon 1 year notice given by Western subsequent to September 30, 1989; but no later than the date of initial operation of regulatory storage at New Waddell Dam.

The adopted Plan contains the criteria for the sale and exchange of Navajo

Surplus, including a description of the power to be marketed, eligibility criteria, contact provisions, ratesetting procedures, and revenue collection and distribution criteria, after termination of the contracts under the Interim Plan. The ratesetting procedures in the adopted Plan were developed in order to accomplish the requirements of the Act to market and exchange Navajo Surplus at "rates [that] shall not exceed levels that allow for an appropriate saving for the contractor." The rates in the adopted Plan will provide annual revenues for repayment of costs associated with the marketing and exchange of Navajo Surplus. An additional rate component is included pursuant to section 107(d) of the Act to provide for repayment of funds advanced by CAWCD for authorized features of CAP.

#### National Environmental Policy Act

In compliance with the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality regulations, and the Department of the Interior regulations for compliance with NEPA, Reclamation completed an Environmental Impact Statement on the Regulatory Storage Division, Central Arizona Project, Statement No. INT FES 84-4, February 10, 1984. The environmental impact statement describes six alternatives for the proposed construction and operation of the Regulatory Storage Division of the CAP. The alternatives described provide for CAP regulatory storage, flood control for the Salt and Gila Rivers through the Phoenix metropolitan area, and concurrent and coincident aspects of the Safety of Dams program. A No Action alternative is also described. The environmental impact statement fulfills the requirements of Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands), and the requirements of the Nationwide Permit in accordance with the provisions of section 404 of the Clean Water Act.

In addition, Western prepared an environmental assessment dealing with the potential effects of the sale of Navajo Surplus at expected rates on wholesale power supply costs. As a result of these studies, Reclamation determined that the adopted Plan met the criteria for a Finding of No Significant Impact (FONSI No. LC-87-2 dated November 16, 1987). Copies of the environmental impact statement, environmental assessment, and FONSI will be made available to interested persons upon request.

Date: December 14, 1987.

C. Dale Duvall,  
*Commissioner.*

The text of the adopted Plan is as follows:

#### Navajo Power Marketing Plan

##### I. Purpose and Scope

Section 107 of the Hoover Power Plant Act requires that a power marketing plan be developed to provide for marketing and exchanging of Navajo Surplus to provide financial assistance in the timely construction and repayment of construction costs of authorized features of the Central Arizona Project.

A. This Plan has been developed based upon data contained in the report by Reclamation entitled "Central Arizona Project Power Marketing and Water Supply Study—October 1985" to meet the requirements of the Hoover Power Plant Act and provide for the sale and Exchange of Navajo Surplus for the benefit of the Central Arizona Project as provided in section 107 of the Hoover Power Plant Act.

B. This Plan recognizes the obligation of the United States to use its entitlement to electrical capacity and energy from Navajo to provide necessary power for the pumping requirements of the Central Arizona Project and any such needs for desalting and protective pumping facilities as may be required under section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act. For the purposes of this Plan, Reclamation has determined that the Navajo Surplus peaking resource identified in section V.A and V.B of this Plan is not required to meet the needs for desalting and protective pumping facilities as may be required under section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act; however, the Navajo Surplus identified in section V.C will be considered in meeting these needs.

C. The Plan provides that Western, working closely with Reclamation and CAWCD, will be the primary marketing entity responsible for the sale and Exchange of Navajo Surplus in accordance with applicable Federal law and regulations. Western may utilize exchange, banking, purchase agreements, or integration with other resources to fulfill any purpose of this Plan. CAWCD will act as a marketing entity solely for the purpose of establishing and causing to be collected the Additional Rate Component.

D. This Plan sets rates and parameters for the establishment of rates, not exceeding levels that allow for an appropriate saving for the contractor,

that will provide revenues from the sale and Exchange of Navajo Surplus for the purposes of: Payment of the operation and maintenance costs associated with Navajo Surplus; utilization and assignment of the revenues derived from the Additional Rate Component at least sufficient to make repayment and establish reserves for repayment of \$175,000,000 (or more) of funds advanced by CAWCD to Reclamation for construction of authorized features of the Central Arizona Project pursuant to the Plan Six Cost Sharing Agreement; recovery of capital costs, including interest, of authorized features of the Central Arizona Project allocated to power; and recovery of capital costs of authorized features of the Central Arizona Project allocated to irrigation that are determined to be beyond the irrigators' ability to repay.

##### II. Authorities

The authorities under which this Plan is developed are: A. Federal Reclamation laws (43 U.S.C. 372 *et seq.*, and all Acts amendatory thereof or supplementary thereto); in particular, the Colorado River Basin Project Act (Pub. L. 90-537); and the Hoover Power Plant Act of 1984 (Pub. L. 98-381).

B. Rules, regulations, and agency agreements of Western and Reclamation issued or made pursuant to applicable law.

##### III. Definitions

The following terms wherever used herein shall have the following meanings: A. "Additional Rate Component" shall mean the rate component(s) established, charged and caused to be collected by CAWCD to recover the CAWCD Advanced to Reclamation, plus interest thereon, pursuant to section 107 of the Act and to Chapter 21, Laws of the State of Arizona, Thirty-Seventh Legislature, Second Regular Session, 1986.

B. "Authority" shall mean the Arizona Power Authority.

C. "Authority's Final Hoover Power Marketing Plan" shall mean the Arizona Power Authority's marketing plan entitled "Final Hoover Power Marketing, Post-1987" dated June 7, 1985.

D. "Central Arizona Project" or "CAP" shall mean the Reclamation multipurpose water resource development and management project in Arizona authorized by the Colorado River Basin Project Act, as amended (43 U.S.C. 1501 *et seq.*)

E. "CAWCD" shall mean the Central Arizona Water Conservation District.

F. "CAWCD Advance to Reclamation" shall mean the advance of

\$175,000,000 (or more) to Reclamation by CAWCD for authorized features of the Central Arizona Project in accordance with the Plan Six Cost Sharing Agreement.

G. "Colorado River Basin Salinity Control Act" shall mean the Colorado River Basin Salinity Control Act of 1974, as amended, (43 U.S.C. 1591 *et. seq.*)

H. "Conformed Criteria" shall mean the Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the *Federal Register* (49 FR 50583) on December 29, 1984.

I. "Date of Initial Operation" shall mean the date of initial test pumping into regulatory storage at New Waddell Dam, as determined by Reclamation.

J. "Exchange" shall mean any arrangements providing for delivery of capacity and energy to Western by an Exchange Contractor during an Operating Year and the return of such capacity and energy to the Exchange Contractor by Western from Navajo in the same Operating Year.

K. "Exchange Contractor" shall mean a contractor which enters into a Long-Term Exchange Contract.

L. "Exchange Energy Account" shall mean the record of Exchanges between Western and an Exchange Contractor.

M. "Hoover Power Plant Act" or "Act" shall mean the Hoover Power Plant Act of 1984 (Pub. L. 98-381).

N. "Hoover Schedule B Capacity and Energy" shall mean the capacity and energy from the Boulder Canyon Project described in section 105(a)(1)(B) of the Act which is available to the Authority.

O. "Hoover Schedule C Excess Energy" shall mean the energy from the Boulder Canyon Project described in section 105(a)(1)(C) of the Act which is available to the Authority.

P. "Interim Plan" shall mean the Interim Navajo Power Marketing Plan adopted by the Commissioner of Reclamation on March 17, 1986.

Q. "Layoff Contract" shall mean the contract(s) entered into as of September 30, 1989, between certain non-Federal entities and Western for the sale of the Navajo Entitlement.

R. "Long-Term Contracts" shall mean the Long-Term Peaking Sales Contracts and the Long-Term Exchange Contracts.

S. "Long-Term Peaking Sales Contract" shall mean a contract between Western and a contractor for sale of Navajo Surplus for a period of years ending September 30, 2011.

T. "Long-Term Exchange Contract" shall mean a contract between Western and an Exchange Contractor for Exchange of Navajo Surplus for a period of years ending September 30, 2011.

U. "Navajo" shall mean the Navajo Generating Station, the thermal generating power plant located near Page, Arizona, and associated transmission facilities.

V. "Navajo Entitlement" shall mean the United States entitlement of 24.3 percent of the generation from Navajo.

W. "Navajo Surplus" shall mean capacity and energy associated with the Navajo Entitlement which is in excess of the pumping requirements of the Central Arizona Project and any such needs for desalting and protective pumping facilities as may be required under section 101(b)(2)(B) of the Colorado River Basin Salinity Control Act.

X. "New Waddell Dam" or "New Waddell Reservoir" shall mean the regulatory storage facilities constructed on the Agua Fria River as a feature of the CAP.

Y. "Offpeak" shall mean those hours during a day that are not considered Onpeak.

Z. "Onpeak" shall mean the hours during a day, except Sunday, that are between 9:00 a.m. to 9:00 p.m. mountain standard time during the Summer Season.

AA. "Operating Year" shall mean the period beginning October 1 and ending September 30 of the next succeeding year.

BB. "Plan" shall mean this Navajo Power Marketing Plan.

CC. "Plan Six Cost Sharing Agreement" shall mean the agreement among the United States, the Central Arizona Water Conservation District, the Flood Control District of Maricopa County, the Salt River Project Agricultural Improvement and Power District and Salt River Valley Water Users' Association, the Arizona cities of Chandler, Glendale, Mesa, Phoenix, Scottsdale, and Tempe, the State of Arizona, and the city of Tucson for funding of Plan Six facilities of the Central Arizona Project, Arizona, and for other purposes, dated April 15, 1986, and any amendments or supplements thereto.

DD. "Reclamation" shall mean the Bureau of Reclamation, Department of the Interior.

EE. "Summer Season" shall mean the period from May 1 through September 30 of any year.

FF. "Western" shall mean the Western Area Power Administration, Department of Energy.

GG. "Winter Season" shall mean the period from October 1 through April 30 of the next succeeding year.

#### IV. Element

This Plan includes the following elements: A. The estimated amounts of

Navajo Surplus used in developing this Plan were obtained from data contained in a report by Reclamation, entitled "Central Arizona Project Power Marketing and Water Supply Study—October 1985," and the "Central Arizona Project, Surplus/Shortage Pumping Power Profile (Revision No. 1)," dated October 1986, prepared by CAWCD/Arizona Department of Water Resources.

B. Optimization of Navajo Surplus will be achieved through several means: (1) Delivering maximum amounts of water from the Colorado River in the Winter Season for storage in the New Waddell Reservoir and then serving CAP water demands in the Summer Season from water previously placed in storage, and on a daily basis, delivering maximum amounts of CAP water Onpeak from the limited aqueduct storage and recharging that storage to the extent possible Offpeak, thereby making Navajo Surplus available when electrical loads in the marketing area are at their peak and thus enhancing the value of the Navajo resource; (2) CAWCD contracting with the Authority for Hoover Schedule B Capacity and Energy and CAWCD receiving Hoover Schedule B Capacity and Energy pursuant to paragraph E of this section and using it to meet CAP pumping requirements in part; (3) CAWCD contracting with the Authority for Hoover Schedule C Excess Energy and CAWCD receiving the Hoover Schedule C Excess Energy pursuant to paragraph F of this section and using it to meet CAP pumping requirements in part; and (4) using CAP and Western operating flexibility.

C. In order to enhance the value of Navajo Surplus to maximize financial assistance to CAP, the proposed CAP operation will utilize daily energy management, weekly energy management, and seasonal power management as described in paragraph B of this section. Except for scheduling adjustments to achieve operating flexibility, to the extent possible CAP pumping will be Offpeak to optimize Onpeak availability of Navajo Surplus.

D. CAP pumping will be maximized during the Winter Season, to the extent possible, within the physical and legal limitations of moving CAP water through the CAP aqueduct. Any Winter Season energy deficiencies are intended to be met through exchanges or through a combination of exchange, banking, purchase agreements or integration with other resources.

E. This Plan includes, for purposes of the Authority's Final Hoover Power Marketing Plan, the recapture of Hoover Schedule B Capacity and Energy

pursuant to the Authority's Final Hoover Power Marketing Plan, as further provided for in a resolution of the Board of Directors of CAWCD which is attached hereto as Appendix A, and incorporated by reference herein, for the benefit of CAWCD: (1) after October 1, 1991, if requested by CAWCD pursuant to the provisions of Appendix A, or (2) upon the Date of Initial Operation, but (3) not later than December 31, 1994.

F. The Authority's Final Hoover Power Marketing Plan states that "the Authority intends to allocate and sell" Hoover Schedule C Excess Energy "in a manner which is consistent with such adopted [Navajo Marketing] Plan". In order to accomplish the goals of this Plan, this Plan assumes that all Hoover Schedule C Excess Energy available to the Authority will be marketed by the Authority in accordance with the Hoover C energy sales contracts dated as of April 15, 1987, as follows:

1. From June 1, 1987, until recapture of Hoover Schedule B Capacity and Energy for CAWCD is completed, to Authority contractors taking capacity and energy in a manner calculated to equalize load factors between Hoover Schedule A Capacity and Hoover Schedule B Capacity. (This provision contemplates that increasing amounts of Hoover Schedule C Excess Energy will be marketed with Hoover Schedule B Capacity as increased amounts of that capacity become available.)

2. After recapture of Hoover Schedule B Capacity and Energy has been completed, pursuant to the Authority's power sales contracts with its contractors, dated as of September 15, 1986, on the basis of a first right of refusal to Authority contractors which are then utilizing Hoover Schedule B Capacity and Energy, pro rata to the amount of capacity being taken.

3. To CAWCD, on the basis of a first right of refusal, at any time after June 1, 1987, until recapture of Hoover Schedule B Capacity and Energy has been completed, to the extent that the amount of Hoover Schedule C Excess Energy, if made available under contract with the United States to be marketed by the Authority in the current contract year (October through September), shall exceed 400 GWh, but not exceed 800 GWh. During the same period, Hoover Schedule C Excess Energy over 800 GWh shall be marketed, if available, on the basis of first right of refusal, 50 percent to CAWCD and 50 percent to other Authority contractors. Delivery pursuant to this section shall be made only at a time and to the extent that the capacity of Authority's contractors is not being utilized to generate Hoover Schedule A energy or Hoover Schedule

B energy, or if other capacity is made available by Western for said delivery.

G. Termination of the Long-Term Contracts on September 30, 2011, will not terminate this Plan. So long as Navajo operates and there is Navajo Surplus, Western shall continue to market Navajo Surplus under this Plan with such amendments or revisions as may be adopted by the Secretary of the Interior, after consultation with the Secretary of Energy, CAWCD, and the Governor of Arizona and as provided by law, including the authorities set forth in section II. Contractors with Long-Term Peaking Sales Contracts and contractors with Long-Term Exchange Contracts whose contracts terminate in 2011 shall be given the first opportunity for new long-term sales contracts and new long-term exchange contracts for approximately the same amounts of power contained in the terminated contracts with available capacity and energy distributed pro rata among contractors. Such new contracts shall be entered into prior to October 1, 2007.

#### V. Power To Be Marketed or Exchanged

Contracts entered into pursuant to the interim Plan shall expire as follows:

(1) After consultation by Western with Reclamation and CAWCD, upon 1 year notice given by Western subsequent to September 30, 1989; but in any event, (2) after such notice as Western deems appropriate, upon the Date of Initial Operation. The Interim Plan shall terminate upon expiration of all contracts entered into pursuant to the Interim Plan. Navajo Surplus to be sold or Exchanged under this Plan consists of the following:

A. Capacity and energy will be available for sale on a long-term basis generally during the Summer Season. Capacity and energy will be available for delivery during the Summer Season and the Winter Season Onpeak and Offpeak. Capacity available for sale will be 400 MW, less the capacity used for Exchange purposes under paragraph B of this section. There will be 760 kwh of energy per year available for sale to a contractor for each kW of contract capacity.

B. A maximum of 150 MW of the 400 MW available under paragraph A of this section may be used for Exchanges on a long-term basis. Energy scheduled from an Exchange Contractor will be returned to such Exchange Contractor on a one-kWh-for-one-kWh basis under terms provided in a Long-Term Exchange Contract. There will be 760 kWh of energy per year available to an Exchange Contractor for each kW of contract capacity Exchanged.

C. Any capacity or energy not sold or Exchanged in accordance with paragraphs A and B of this section may, as determined by Western, in cooperation with CAWCD and Reclamation, be sold under appropriate long-term or short-term arrangements or integrated with the Federal system and sold by Western under arrangements developed in cooperation with CAWCD and Reclamation.

D. Any capacity or energy determined to be available under paragraph C of this section, up to 30 MW, will be made available first to Reclamation for the purposes of the Colorado River Basin Salinity Control Act.

E. Delivery of capacity and energy provided in paragraphs A and B of this section is subject to the following:

1. In the event of an outage, curtailment, or derating (or any combination thereof) of the generating capabilities at Navajo, each contractor's right to receive capacity and energy shall be as follows:

a. Capacity shall be reduced on a pro rata basis among all contractors and CAWCD.

b. Energy will be affected as follows:

(i) If the energy produced by the Navajo Entitlement is equal to or greater than an average of 3,500 GWh per year in the current and immediately prior Operating Year, then the contractor is entitled to the full 760 kWh per KW per year.

(ii) If the total energy produced by the Navajo Entitlement is less than an average of 3,500 GWh per year in the current and immediately prior Operating Year, then either (1) each contractor's right to receive energy may be reduced by Western, and if reduced, the reduction shall be on a pro rata basis among all contractors and CAWCD, or (2) at the contractor's option, energy may be scheduled to Western, on a one-for-one basis at times and amounts mutually acceptable to Western and the contractor, to replace the energy which would have otherwise been lost by pro rata reduction.

2. If in the Operating Year in which the Date of Initial Operation occurs, contract entitlements cannot be delivered, such entitlements shall be reduced among all contractors pro rata.

3. In September of each Operating Year, each Exchange Contractor shall supply Western with a schedule of proposed deliveries of energy during the Winter Season equal to the amount to which the Exchange Contractor will be entitled during the following Operating Year. Western may upon 24 hours notice cancel a day's delivery in the event that Western finds that the energy is not

needed for pumping and could not be sold at a rate higher than the Navajo Surplus energy rates described in section VIII.A.2. In the event that the Exchange Contractor, because of emergency conditions, would have to supply Exchange energy from oil-fired or gas-fired resources, the Exchange Contractor may notify Western and be relieved of its obligation under the schedule for the period of time until it is able to supply such Exchange energy without using oil-fired or gas-fired generation.

4. In the event of an outage, curtailment, or derating (or any combination thereof) of the Navajo transmission system, Western will use its best efforts to deliver Navajo Surplus to the contractors, in amounts as close to each contractor's Navajo Surplus entitlement or pro rata share of such entitlement as possible, using the available Navajo transmission system. Upon appropriate arrangements, Western may assist the contractors in the event of such outage, curtailment, or derating of the Navajo transmission system by arranging alternative emergency transmission service with third parties or on Western's transmission system as determined to be available in the sole judgement of Western.

5. Each Long-Term Exchange Contract will provide for an Exchange Energy Account. It is generally intended that the account will contain a balance of energy owed to the Exchange Contractor. Under some circumstances, the balance of the Exchange Energy Account may be reversed whereby the Exchange Contractor will owe energy to Western. Under either circumstance, energy can be scheduled by the Exchange Contractor at any time for credit to his Exchange Energy Account provided Western has adequate pumping loads or sales opportunities to use the energy. It is not intended that Western would accept energy for resale when such resale would be at rates less than Navajo Surplus energy rates described in Section VIII.A.2. Energy deliveries by an Exchange Contractor to balance its Exchange Energy Account must be at times and amounts mutually acceptable to Western and to the Exchange Contractor.

6. Except as provided in paragraph 7 of this section, energy deliveries by Western under Long-Term Contracts will be scheduled at least 24 hours in advance, as mutually agreed between the contractor and Western, and such deliveries will be contingent only on the output of Navajo.

7. Capacity and energy, not scheduled at least 24 hours in advance, may be ordered by a contractor under a Long-

Term Contract through appropriate dispatch channels. Such requested capacity and energy may be supplied, at Western's discretion, after coordinating with CAWCD, either through rapid pump unloading (estimated 100 percent loaded to 0 percent within 10 minutes) or from other resources available to Western. Such delivery not scheduled at least 24 hours in advance may be limited to 8 hours per day. A charge shall be assessed to a contractor as a start-up cost for each occurrence of a request for an increase in delivery not scheduled at least 24 hours in advance. The accounting for energy delivered under the provisions of this paragraph shall be identical to accounting for energy scheduled 24 hours in advance.

#### VI. Eligibility

Navajo Surplus will be offered for sale and Exchange in accordance with the requirements of this section.

A. Capacity and energy will be offered for sale in the following order of priority, in accordance with part IV, section A of the Conformed Criteria:

1. Federal preference entities within Arizona.

2. Federal preference entities within the Boulder City marketing area.

3. Federal preference entities in adjacent Federal marketing areas.

4. Non-preference entities in the Boulder City marketing area.

B. In the event that a potential contractor fails to place capacity and energy under contract within a reasonable period, as specified by Western and in accordance with the terms and conditions offered by Western, the amounts of capacity and energy not placed under contract will be reoffered in accordance with the order of priority specified in paragraph A of this section.

C. Arizona entities, regardless of preference status, shall have first opportunity for electrical capacity and energy Exchange rights as necessary to implement this Plan. Western, in consultation with CAWCD and Reclamation, may determine that any capacity and energy not subscribed to by Arizona entities for Exchange may be offered for long-term sale in the order of priority stated in paragraph A of this section or may be offered to non-Arizona entities for Exchange.

#### VII. Contract Provisions

Western, after consultation with Reclamation and CAWCD, shall enter into all power sales and Exchange contracts necessary to carry out the provisions of this Plan in selling and exchanging capacity and energy pursuant to section V. Navajo Surplus

shall be marketed, and Exchange rights granted by Western on behalf of the Secretary of the Interior, under contracts consistent with this Plan and the Conformed Criteria. Contracts for sale or Exchange of Navajo Surplus made pursuant to this Plan shall include, but not be limited to, the following provisions:

A. Each Long-Term Peaking Sales Contract shall become effective upon its execution, the implementation of which, including all terms, covenants, and conditions related to delivery of capacity and energy and all appropriate payments therefore, shall begin on the first day within the Summer Season following the Date of Initial Operation. Contractors shall be given at least 60 days written notice prior to the Date of Initial Operation. If contract entitlements are reduced pursuant to section V.E.2, each contractor shall be charged only for the amount of capacity and the energy made available to the contractor in that Operating Year. Each Long-Term Peaking Sales Contract shall terminate on September 30, 2011.

B. Each Long-Term Exchange Contract shall become effective upon its execution, the implementation of which, including all terms, covenants, and conditions related to the Exchange of capacity and energy and all appropriate payments therefore, shall begin upon the Date of Initial Operation. Contractors shall be given at least 60 days written notice prior to the Date of Initial Operation. Each Long-Term Exchange Contract shall provide for an Exchange Energy Account. It is the intent of this Plan that the Exchange Energy Accounts will be balanced to zero annually. However, in the event that such balance owed Western is not reduced to zero, the Long-Term Exchange Contract shall include provisions for a carryover of such balance to the subsequent Operating Year or for payment to Western. In the event that such balance owed the Exchange Contractor is not reduced to zero, the Long-Term Exchange Contract shall include provisions for a carryover of such balance to the subsequent Operating Year to be credited against the Exchange Contractor's scheduled delivery. Prior to the Date of Initial Operation, each Exchange Contractor shall receive an estimate of the amount of capacity and energy which will be available to it during the first Operating Year, and the Exchange Contractor shall propose a schedule of Winter Season energy delivery to Western in the same amount as Reclamation's estimate of the available return of energy. If contract entitlements are reduced pursuant to

section V.E.2., each Exchange Contractor shall be charged only for the amount of capacity made available to the Exchange Contractor in that Operating Year. Each Long-Term Exchange Contract shall terminate on September 30, 2011.

C. Any Long-Term Contract may, at the contractor's request, contain a provision that if the New Waddell Dam is not scheduled to be completed by a certain date the contractor may terminate the Long-Term Contract on or before a date established in the contract.

D. Contract entitlements will be measured or calculated at the 500 kV bus at the Navajo Generating Station. Capacity and energy, less losses, will be scheduled and delivered at a voltage of 500 kV to contractors at either Westwing Switchyard or McCullough Switchyard or at such other points and voltages on the Navajo system as Western and the contractor shall agree. Any necessary transmission service beyond the contractor's point(s)-of-delivery will be the responsibility of the contractor.

E. CAWCD shall be a party to contracts for the sale or Exchange of Navajo Surplus for the limited purpose of establishing and collecting the Additional Rate Component.

F. Written metering and scheduling instructions shall be agreed upon between Western and the contractor, in consultation with CAWCD and Reclamation, prior to any deliveries under this Plan. The metering and scheduling instructions shall provide the operating and accounting procedures for such deliveries. Metering and scheduling instructions are intended to implement terms of the contract, not to modify or amend it, and therefore are subordinate to the contract. The implementation shall be the responsibility of Western and the contractor. After consultation with Reclamation and CAWCD, Western and the contractor may modify these instructions, as necessary, to reflect changing power system conditions. In the event the contractor fails or refuses to execute the initial metering and scheduling instructions or any revised instructions Western determines to be necessary, Western shall develop and implement temporary instructions until initially acceptable instructions have been developed and executed by Western and the contractor.

#### VIII. Ratesetting Procedures

In order to accomplish the requirements of the Act to market and Exchange Navajo Surplus "for the purposes of optimizing the availability

of Navajo Surplus and providing financial assistance in the timely construction and repayment of construction costs of authorized features of the Central Arizona project," and the provisions, "That rates shall not exceed levels that allow for an appropriate saving for the contractor," rates for Navajo Surplus sales and Exchanges shall be established and modified in accordance with the following provisions:

A. Long-term capacity and energy described in section V.A shall be sold at rates which will provide financial assistance in the timely repayment of the CAWCD Advance to Reclamation, plus interest thereon, and repayment of costs of authorized features of CAP to be repaid by power revenues. The following rates do not exceed a level that will allow for an appropriate saving for the contractor. The rates shall be composed of a capacity rate and an energy rate calculated in the following manner:

1. The capacity rate will be fixed for the term of the Long-Term Peaking Sales Contract at (a) the Additional Rate Component established by CAWCD, plus (b) an amount which when added to the Additional Rate Component shall total \$72 per kW-year. The annual rate of \$72 per kW-year shall be billed to each contractor in a monthly amount of \$6 per kW based on the amount of each contractor's capacity entitlement.

2. The energy rate will be based on the actual annual operating costs associated with the Navajo Entitlement in the prior Operating Year plus a charge for Western's costs associated with Navajo. The Western charge will be based on Western's actual costs of services performed under this Plan, including appropriate administrative expenses. The annual operating costs will be determined in a similar manner as the generation operating charge, generation energy charge, and transmission operating charge in the Layoff Contracts. The energy rate will be a mills per kWh rate calculated by dividing the total costs described above by the total annual kWh available to the United States in the same Operating Year. The energy rate will be applied monthly to each kWh delivered.

B. Long-term Exchanges described in section V.B. shall be Exchanged at a one-for-one energy Exchange rate plus the following charges, which do not exceed a level that will allow for an appropriate saving for the contractor.

1. The capacity rate described in paragraph A.1 of this section.

2. A charge for Western's cost associated with Navajo as described in paragraph A.2 of this section.

3. If a balance remains in favor of Western in the Exchange Energy Account at the close of any Operating Year, Western may require a settlement of the account in cash at 115 percent of the Navajo Surplus energy rate described in paragraph A.2 of this section.

C. For capacity and energy not scheduled at least 24 hours in advance as described in section V.E.7, the charge shall be \$4,000 each occurrence of a request for an increase in delivery. This charge shall be in addition to the charges for capacity and energy described in paragraphs A and B of this section.

D. Capacity and energy described in sections V.C and V.D shall be sold at rates established by Western, after consultation with CAWCD and Reclamation. Such rates may include an Additional Rate Component.

E. Because of the Act's requirements for noncost-based rates, the rates established pursuant to this Plan are not suitable to the required review of Western's rates by the Federal Energy Regulatory Commission. All rates promulgated by the Administrator of Western under this Plan shall be a final act of the Secretary of Energy and shall be subject to review pursuant to the judicial review provided by the Administrative Procedure Act (5 U.S.C. 553, *et seq.*).

#### IX. Revenue Collection and Distribution

Western will bill and collect in accordance with the rates and charges for the sale or Exchange of Navajo Surplus, including the Additional Rate Component for CAWCD.

A. Western shall distribute all revenues collected from the application of the rates and charges in the following manner:

1. First, revenues will be deposited into the Lower Colorado River Basin Development Fund to pay all costs of operation and maintenance determined to be associated with the sale and Exchange of Navajo Surplus, including Western's costs.

2. Second, revenues derived from the collection of the Additional Rate Component by Western for CAWCD will be paid directly to CAWCD or its nominee for repayment and establishment of reserves for repayment of the CAWCD Advance to Reclamation plus interest thereon.

3. Third, any revenues remaining will be deposited into the Lower Colorado River Basin Development Fund to repay other CAP obligations.

B. In the event that the revenues and resulting funds available to make the

repayments referenced in this Plan are insufficient for that purpose, the United States shall be under no obligation, by reason of this Plan, to supply funds to make up such insufficiency or to reduce any repayment obligations referenced in this Plan.

#### *X. Effective Date*

This Plan will become effective 30 days after publication in the **Federal Register** following adoption by the Secretary of the Interior.

#### *XI. Consultation*

This Plan is deemed most acceptable in accordance with section 107(c) of the Hoover Power Plant Act as evidenced by the concurrences below from the Western Area Power Administration (Secretary of Energy), the Governor of Arizona, and the Central Arizona Water Conservation District.

Adopted:

Dated: December 1, 1987.

**C. Dale Duvall,**  
*Commissioner of Reclamation.*

Concurrences:  
Western Area Power Administration:  
**William H. Claggett,**  
*Administrator.*

The State of Arizona:  
**Evan Mecham,**  
*Governor.*

Central Arizona Water Conservation District:  
**Rod J. McMullin,**  
*President.*

#### **Appendix A—Resolution of the Board of Directors of the Central Arizona Water Conservation District**

August 6, 1987.

*Whereas*, the proposed Navajo Power Marketing Plan includes, for purposes of the Arizona Power Authority's Final Hoover Power Marketing Plan of June 7, 1985, the recapture of Hoover Schedule B Capacity and Energy pursuant to the Authority's Final Hoover Power Marketing Plan for the benefit of the Central Arizona Water Conservation District ("CAWCD") (1) after October 1, 1991, if requested by CAWCD pursuant to the provisions of this Resolution, or (2) upon the Date of Initial Operation, but (3) not later than December 31, 1994; and

*Whereas*, in order to obtain Hoover Schedule B Capacity and Energy pursuant to the Authority's Final Hoover Power Marketing Plan, CAWCD must, among other requirements, deliver a written request to the Arizona Power Authority ("Authority") to recapture Hoover Schedule B Capacity and Energy

after the Secretary of the Interior adopts the Navajo Power Marketing Plan; and

*Whereas*, the Authority's Final Hoover Power Marketing Plan provides that, upon compliance by CAWCD with the conditions of paragraph 5 of the Summary contained in the Authority's Final Hoover Power Marketing Plan and not later than 90 days after receipt of the written request for recapture from CAWCD, the Authority will issue the notice of recapture and it is assumed that the Authority will use its best efforts to issue such notice prior to the next quarterly advance, if any, required of CAWCD by the Plan Six Cost Sharing Agreement; and

*Whereas*, It is necessary and desirable to further define and clarify the circumstances under which CAWCD will request and the Authority will recapture Hoover Schedule B Capacity and Energy pursuant to the Authority's Final Hoover Power Marketing Plan for the benefit of CAWCD in order to promote wide support for the final Navajo Power Marketing Plan; and

*Whereas*, The proposed Navajo Power Marketing Plan prepared for the consideration of the Secretary of the Interior has been presented to the Board of Directors of the CAWCD for its approval, including Appendix A which contains this Resolution; and

*Whereas*, To the best of the knowledge of the Board of Directors of CAWCD, this Resolution is consistent with the obligations of CAWCD's Hoover Power Sales Contract with the Authority;

*Now, therefore, be it resolved*, That, subject to the adoption by the Secretary of the Interior of the Navajo Power Marketing Plan ("Plan") in substantially the form presented to the Board of Directors for its consideration on this date, the Board of Directors approves the terms and conditions thereof, including but not limited to the following resolutions.

*Be it further resolved*, That terms used in this Resolution which are defined in the Plan shall have the meanings ascribed to them in the Plan.

*Be it further resolved*, That CAWCD agrees that, except as provided in the next resolved clause herein, any written request for recapture delivered to the Authority by CAWCD prior to October 1, 1992, will be delivered only after Reclamation has determined that construction of New Waddell Dam has sufficiently advanced that the Date of Initial Operation is scheduled to occur within 27 months.

*Be it further resolved*, That CAWCD agrees that it will not, prior to October 1, 1989, deliver a written request for recapture to the Authority. CAWCD

further agrees that any written request for recapture, not occasioned by a determination by Reclamation that construction of New Waddell Dam has sufficiently advanced that the Date of Initial Operation is scheduled to occur within 27 months, will be delivered to the Authority prior to October 1, 1992 only upon the occurrence of the events described in subsections a and b as follows:

a. CAWCD has advanced to the escrow account or subaccount for New Waddell Dam called for in the Plan Six Cost Sharing Agreement, and Congress has appropriated, funds collectively equivalent to seventy-two percent (72%) or more of the current estimated construction costs of \$452.6 million for New Waddell Dam or CAWCD has advanced \$110 million. Funds shall be considered appropriated by Congress for New Waddell Dam if actually spent, contractually obligated, or specifically designated in a Department of the Interior request that has resulted in appropriations legislation or continuing resolution passed by Congress and signed by the President. Funds shall be considered advanced by CAWCD when deposited in the escrow account or subaccount.

b. The CAWCD Board of Directors has formally determined in its sole discretion that, in order to continue to make the payments required of CAWCD by the Plan Six Cost Sharing Agreement, it is required that CAWCD issue or cause to be issued revenue bonds. In making this determination, the CAWCD Board will take into account revenues from Interim Plan sales and Plan sales of Navajo Surplus prior to recapture, effects of any renegotiation of the CAWCD contribution schedule in the Plan Six Cost Sharing Agreement, and the oral and written comments of interested parties delivered to CAWCD at and after a public meeting called for receiving such comments. The CAWCD Board will also take into account a reasonable reserve level and not more than the \$17 million currently forecast for underground storage and recovery projects. Such dollar limit is not intended to limit the CAWCD Board from considering additional expenditures for such projects from other revenue sources.

*Be it further resolved*, That, in the event that CAWCD fails to advance at least \$110 million of the \$175 million required by the Plan Six Cost Sharing Agreement by the end of the schedule defined therein, or any extension thereof under the current terms of that Agreement, or any extension thereof hereafter negotiated, or Congress and

CAWCD fail to appropriate and advance funds collectively equivalent to seventy-two percent (72%) or more of the current estimated construction costs of \$452.6 million for New Waddell Dam, then CAWCD agrees that its amount of recapturable Hoover Schedule B Capacity and Energy shall be reduced in each Operating Year thereafter to an amount determined by multiplying (1) the total amount of Hoover Schedule B Capacity and Energy available to the Authority in that Operating Year under the Authority's contract with Western for electric service by (2) a fraction in which the numerator is the amount of total funds of the \$175 million, exclusive of interest penalties and additional contributions, actually advanced by CAWCD and withdrawn by the United States, and the denominator is \$175 million. The resulting reduced amount of recapturable Hoover Schedule B Capacity and Energy is hereinafter referred to as the "Reduced Recapturable Amount." In the event of such failure after recapture has been completed or partially completed, CAWCD shall, within 30 days, tender in each Operating Year thereafter a relinquishment to the Authority of such amounts of Hoover Schedule B Capacity and Energy as are being delivered and are determined by the above formula to be in excess of the Reduced Recapturable Amount. Each such relinquishment shall take effect and remain in effect when and so long as (1) CAWCD is relieved of its financial obligations to the Authority with respect to such relinquished Hoover Schedule B Capacity and Energy as provided in CAWCD's Hoover Power Sales Contract with the Authority, dated as of September 15, 1986 (including any amendments thereof), or (2) CAWCD is satisfactorily indemnified against such financial obligations. It is the intent of this Resolution that the "Eligible Entities," as defined in CAWCD's Hoover Power Sales Contract with the Authority, shall receive such amounts of Hoover Schedule B Capacity and Energy pursuant to section 30 of CAWCD's Hoover Power Sales Contract with the Authority as to total 14.04 percent (14.04%) of the Hoover Schedule B Capacity and Energy available to CAWCD under this Resolution and CAWCD's Hoover Power Sales Contract with the Authority.

I, the undersigned, as Secretary of the Central Arizona Water Conservation District, hereby certify that the foregoing is a true and correct copy of the resolutions duly adopted by the Board of Directors of the Central Arizona Water Conservation District at a meeting

thereof, duly called and held on August 6, 1987, at which a quorum was present and acting throughout. I further certify that said resolutions have not been modified or revoked since their adoption and are still in full force and effect.

Signed this 8th day of August, 1987.  
Marilyn H. Ronstadt,  
Secretary.  
[FR Doc. 87-29074 Filed 12-18-87; 8:45 am]  
BILLING CODE 4310-09-M

## DEPARTMENT OF JUSTICE

(AAG/A Order No. 7-87)

### Privacy Act of 1974; Notice of New System

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Department of Justice, Special Counsel for Immigration-Related, Unfair Employment Practices (OSC), proposes to establish a new system of records entitled, "Central Index File and Associated Records, JUSTICE/OCS-001." This system is established to maintain investigatory and law enforcement records concerning charges filed with the OSC by or on behalf of persons alleging immigration-related employment discrimination. The system will also include charges filed with other law enforcement entities that have been referred to OSC pursuant to section 102 of the Immigration Reform Control Act of 1986 (8 U.S.C. 1324b) to provide relief for injured persons and to enforce the prohibition of immigration-related, unfair employment practices.

In the Proposed Rules Section of today's Federal Register, OSC also proposes to exempt portions of the system from subsection (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The exemption is needed to protect ongoing investigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be provided a 30-day period in which to comment on the routine uses of a new system; the Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires that it be given a 60-day period in which to review the system. However, the Department has requested a waiver of the 60-day requirement.

Therefore, please submit any comments by January 20, 1988. The public, OMB and Congress are invited to send written comments to J. Michael Clark, Assistant Director, General Services Staff, Justice Management

Division, Department of Justice, Room 6402, 601 D Street NW., Washington, DC 20530.

In accordance with Privacy Act requirements, the Department of Justice has provided a report on the proposed system to the Director, OMB, the President of the Senate, and the Speaker of the House of Representatives.

December 7, 1987.

Harry H. Flickinger,  
Assistant Attorney General for  
Administration.

JUSTICE/OSC-001

#### SYSTEM NAME:

Central Index File and Associated Records, JUSTICE/OSC-001.

#### SYSTEM LOCATION:

U.S. Department of Justice, Special Counsel for Immigration-Related, Unfair Employment Practices (OSC), 1100 Connecticut Avenue, NW., Washington, DC 20036 and Federal Records Center, Suitland, Maryland 20409.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These persons may include: Subjects of investigations, victims, potential witnesses and representatives on behalf of individuals and other correspondents on subjects directed or referred to OSC in potential or actual cases and matters of concern to OSC.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of (1) alphabetical indices bearing names of the individuals identified above and (2) the associated record to which the indices relate containing the general and particular records of all OSC correspondence, cases, matters, and memoranda, including but not limited to investigative reports, correspondence to and from OSC, internal memoranda, legal papers, evidentiary materials and exhibits.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 8 U.S.C. 1324b; and 29 CFR Part 44.

#### PURPOSE OF THE SYSTEM:

This system has been established to maintain investigatory and law enforcement records concerning charges filed with OSC by or on behalf of individuals alleging immigration-related employment discrimination. The system also contains charges filed with other law enforcement entities that have been referred to OSC pursuant to section 102 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1324b) to provide

relief for injured parties and to enforce prohibition of immigration-related, unfair employment practices.

Employees and officials of the Department may access the system to make decisions in the course of investigations and legal proceedings; to assist in preparing responses to correspondence from persons outside the Department; to prepare budget requests and various reports on the work product of OSC; and to carry out any other authorized internal duties.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM: INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) A record relating to a possible or potential violation of law may be disseminated to the appropriate Federal, State or local agency charged with the responsibility to enforce or implement such law; (2) in the course of an investigation or litigation of a case or matter, a record may be disseminated to a Federal, State or local agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information or has the expertise in an official or technical capacity to analyze information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or expert analysis or to obtain the cooperation of a prospective witness or informant; (3) a record relating to a case or matter, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which OSC is authorized to appear, when the United States, or any agency or subdivision thereof, is a part of litigation and such records are determined by OSC to be arguably relevant to the litigation; (4) a record relating to a case or matter may be disseminated to an actual or potential party of litigation or the party's attorney (a) to negotiate or discuss such matters as settlement of the case or matter or (b) to conduct a formal or informal discovery proceeding; (5) a record relating to a case or matter that has been referred to OSC for investigation may be disseminated by OSC to referring agencies to notify such agency of the status of the case or matter or of any determination that has been made; (6) a record may be disseminated to the United States Commission on Civil Rights in response to its request and pursuant to 42 U.S.C. 1975d; (7) a record may be disseminated to volunteer student workers and students working under a work-study program as is necessary to enable them to perform their assigned duties; (8) information

permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case could reasonably be expected to constitute an unwarranted invasion of personal privacy; (9) information in the system may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subjects of OSC records; and (10) records may be disclosed to the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:**

Information in this system is stored on index cards, in file jackets, and on computer disks or tapes.

**RETRIEVABILITY:**

Entries are arranged alphabetically and are retrieved from the computer by names of the individuals covered by this system of records. Information may also be retrieved from file jackets by an assigned number appearing in the manual index.

**SAFEGUARDS:**

Information in manual and computer form is safeguarded and protected in accordance with applicable Department security regulations for systems of records. Only those employees with the need to know in order to perform their duties will be able to access the information. Access to records in the computer system is restricted through use of password encryption; access to both the manual and computer system is restricted by locks on storage facilities.

**RETENTION AND DISPOSAL:**

Records are maintained in the system while current and required for official Government use. When no longer needed on an active basis, the paper files are transferred to the Federal Records Center, Suitland, Maryland, and some records are transferred to computer tape and stored in accordance with Departmental security regulations for systems of records. A request for Records Disposition Authority is pending approval of the National Archives and Records Administration.

**SYSTEM MANAGER(S) AND ADDRESS:**

Special Counsel for Immigration-Related, Unfair Employment Practices,

U.S. Department of Justice, Post Office Box 65490, NW, Washington, DC 20035.

**NOTIFICATION PROCEDURE:**

Address inquiries to the System Manager listed above.

**RECORDS ACCESS PROCEDURES:**

Part of this system is exempted from this requirement under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access shall be made in writing, with the envelope and letter clearly marked "Privacy Access Request." Include in the request the full name of the individual, his or her current address, date and place of birth, notarized signature (28 CFR 16.41(b)), the subject of the case or matter as described under "categories of records in the system," and any other information which is known and may be of assistance in locating the records, such as the name of the immigration-related employment discrimination case or matter involved, where and when the discrimination occurred, and the name of the judicial district involved. The requester will also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

**CONTESTING RECORDS PROCEDURES:**

Individuals desiring to contest or amend information should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

**RECORDS SOURCE CATEGORIES:**

Sources of information contained in this system include the individual covered by the system and may include any agency or person who has provided (or has offered to provide) information related to the law enforcement responsibilities of OSC.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

The Attorney General has exempted parts of this system from subsections (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

[FR Doc. 87-2913 Filed 12-18-87; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 9-87]

**Privacy Act of 1974; Notice of New System**

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Department of Justice, Special Counsel for Immigration-Related, Unfair Employment Practices (OSC), proposes to establish a new system of records entitled, "Correspondence Relating to Immigration-Related, Unfair Employment Practices from Persons Outside the Department of Justice, JUSTICE/OSC-002." The purpose of this system is to maintain records of correspondence pertaining to immigration-related employment discrimination from persons outside the Department and copies of OSC responses to the correspondence.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment on the routine uses of a new system; the Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires that it be given a 60-day period in which to review the system. However, the Department has requested a waiver of the 60-day requirement.

Therefore, please submit any comments by January 20, 1988. The public, OMB and Congress are invited to send written comments to J. Michael Clark, Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street NW., Washington, DC 20530.

In accordance with Privacy Act requirements, the Department of Justice has provided a report on the proposed system to the Director, OMB, the President of the Senate, and the Speaker of the House of Representatives.

Dated: December 7, 1987.

Harry H. Flickinger,

*Assistant Attorney General for Administration.*

**JUSTICE/OSC-002**

**SYSTEM NAME:**

Files on Correspondence Relating to Immigration-Related, Unfair Employment Practices from Persons Outside the Department of Justice, JUSTICE/OSC-002.

**SYSTEM LOCATION:**

U.S. Department of Justice, Special Counsel for Immigration-Related, Unfair Employment Practices (OSC), 1100 Connecticut Avenue, NW., Washington, D.C. 20536 and Federal Records Center, Suitland, Maryland 20409.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who communicate in writing, in person or by telephone, who are filing complaints, requests for information or action; or individuals who are providing expressions of opinion regarding immigration-related, unfair employment matters.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains original correspondence regarding immigration-related, unfair employment matters and responses thereto. The system may also contain cover letters or notes to Department attorneys or other employees from Department personnel referring or commenting on correspondence.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

44 U.S.C. 3101; 8 U.S.C. 1324b; and 28 CFR Part 44.

**PURPOSE OF THE SYSTEM:**

The purpose of this system is to maintain records of correspondence pertaining to immigration-related employment discrimination from persons outside the Department and copies of the OSC responses to the correspondence.

Employees and officials of the Department may access the system to ensure proper disposition of incoming mail; to determine the status and content of responses to correspondence; to respond to inquiries from OSC personnel, Office of Legislative Affairs, and from Congressional offices regarding the status of correspondence; to prepare budget requests and various reports on the work product of OSC; and to carry out any other authorized internal duties.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) A record relating to a case or matter, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which OSC is authorized to appear, when the United States, or any agency or subdivision thereof, is a party of litigation or has an interest in litigation and such records are determined by OSC to be arguably relevant to the litigation; (2) a record relating to a case or matter may be disseminated to an actual or potential party of litigation or the party's attorney (a) to negotiate or discuss such matters as settlement of the case or matter or (b) to conduct a formal or informal discovery proceeding; (3) a record may be disseminated to volunteer student

workers and students working under a work-study program as is necessary to enable them to perform their assigned duties; (4) information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (5) information may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subjects of OSC records; and (6) records may be disclosed to the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Information in the system is stored on index cards, in file jackets, and on computer disks or tapes.

**RETRIEVABILITY:**

Entries are arranged alphabetically and are retrieved from the computer by names of the individuals covered by this system of records. Information may also be retrieved from file jackets by an assigned number appearing in the manual index.

**SAFEGUARDS:**

Information in manual and computer form is safeguarded and protected in accordance with applicable Department security regulations for systems of records. Only those employees with the need to know in order to perform their duties will be able to access the information. Access to the records in the computer system is restricted by use of password encryption; access to records in both the manual and computer system is restricted by locks on storage facilities.

**RETENTION AND DISPOSAL:**

Citizen correspondence unrelated to matters within the jurisdiction of OSC is destroyed after appropriate disposition and within ninety days from the date of the correspondence. All other records are disposed of in accordance with General Records Schedule 14, items 3, 4, and 7.

**SYSTEM MANAGER(S) AND ADDRESS:**

Special Counsel for Immigration-Related, Unfair Employment Practices, U.S. Department of Justice, Post Office Box 65490, NW., Washington, DC 20035.

**NOTIFICATION PROCEDURE:**

Same as above.

**RECORDS ACCESS PROCEDURES:**

Direct the request to the system manager listed above. Clearly mark the envelope and letter "Privacy Access Request;" provide the full name and notarized signature of the individual who is the subject of the record, his/her date and place of birth, or any other identifying number or information which may assist in locating the record; and a return address.

**CONTESTING RECORDS PROCEDURES:**

Individuals desiring to contest or amend information should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

**RECORDS SOURCE CATEGORIES:**

Sources of information contained in this system are the original correspondents, persons acting on behalf of original correspondents, and employees and officials of the Department responsible for the disposition of the correspondence.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 87-29130 Filed 12-18-87; 8:45 am]

BILLING CODE 4410-01-M

**DEPARTMENT OF LABOR****Employment and Training Administration****Job Training Partnership Act; Annual Status Report for Titles II-A and III Programs**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Proposed revisions to the Annual Status Report; request for comments.

**SUMMARY:** The Department of Labor is requesting comments on proposed changes to the Job Training Partnership Act Annual Status Report for Titles II-A and III programs. The proposed revisions extend and update the reporting system in order to provide data for improved adjustments to the new youth employability enhancement and postprogram performance standards introduced in Program Year 1988, to more adequately identify more difficult-to-serve portions of the JTPA population, and to collect information on SDA-level funding availability.

**DATE:** Comments must be submitted on or before January 15, 1988.

**ADDRESS:** Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Karen Greene. Comments should also be sent to the OMB reviewer, James Mason: Telephone: (202) 395-6880; Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Karen Greene. Telephone (202) 535-0687.

**SUPPLEMENTARY INFORMATION:** The Department of Labor is proposing changes in the JTPA Annual Status Report (JASR). The proposed revisions have been forwarded to the Office of Management and Budget for review pursuant to the provisions of the Paperwork Reduction Act. The Department is also publishing the proposed revisions in the Federal Register in order to obtain broad comment on the Department's intended reporting requirements for Program Year 1988. Upon completion of the OMB review, the Department will notify the JTPA system of any resulting changes or adjustments.

**A. Authority and Purpose of the JTPA Annual Reporting Requirements**

Reporting instructions are necessary to comply with the Job Training Partnership Act's (JTPA's) provisions regarding the Secretary's responsibilities and authority for setting performance standards and for recordkeeping and reporting as indicated below.

- **Section 106—Performance Standards.** This section directs the Secretary to prescribe standards for adult and youth programs under Title II-A and dislocated worker programs under Title III. To set performance standards, the Secretary must have data on performance. In addition, this section directs the Secretary to establish parameters within which governors may vary standards for service delivery areas (SDAs) based on local economic factors, the characteristics of the population to be served and the types of services provided. The Departmental adjustment approach, that satisfies these parameter criteria, requires data collection on those factors that have a significant effect on performance and vary sufficiently across SDAs to warrant an adjustment to standards.

- **Section 165—Reports, Recordkeeping, and Investigations.** This section requires federal grant recipients to maintain records and report

information regarding program performance as specified by the Secretary. This section also requires reporting of expenditures at a level adequate to ensure statutory compliance.

- **Section 169—Administrative Provisions.** The Secretary is directed at (d) (1) to submit an annual report to the Congress summarizing the achievements of the program. Such a report will include data on program performance.

These proposed revisions are intended to extend and update the reporting system. The justification for having reporting at the service delivery area (SDA) level has not changed since the initial establishment of the reporting requirements, namely:

- Date on program performance, participant characteristics and local economic conditions must be available at the SDA level to set standards.

- Federal reporting is the most cost effective method for collecting program performance and participant characteristics. In addition, such a system ensures the consistency of the data across SDAs.

- Without SDA-level data, objective and defensible local standards cannot be set, because the effects on performance of varying local conditions cannot be systematically predicted.

**B. Reasons for the Revisions**

These revisions are being proposed for several reasons:

- Whether JTPA programs are serving the more difficult-to-serve has been the subject of increasing concern. Identifying more adequately those participants with the most severe barriers to employment and adjusting the performance standards for varying levels of service to these groups will address this concern.

- Attainment of youth employment competencies is an integral part of the employability enhancement outcome. Yet, unlike other program outcomes, competency attainments are locally defined, lack comparability across SDAs and are subject to much systemwide criticism. Two changes are proposed that maintain local flexibility in prescribing specific competencies, while responding to the lack of reporting consistency: (1) Increase the number of skill areas required for reporting a competency attainment to two out of the three skill areas. This ensures that every youth counted as a competency attainment has received either basic education or job specific skills training. (2) Establish minimum criteria for reporting competency attainment in pre-employment/work maturity—the skill

area subject to the most variability. (3) For clarification the seven components of a "sufficiently developed" youth employment competency system are delineated.

- Program costs and competency attainments differ widely depending on whether youth are enrolled in pre-employment/work maturity, basic skills and/or job specific skill programs. Reporting of attainments by individual skill areas will enable the Department to improve its adjustment models by accounting for differences in youth employment competency strategies.

- Whether SDAs are underexpending JTPA funds, particularly in youth programs, is an issue of statutory compliance and programmatic concern. More precise reporting of net funds available to SDAs will yield improved information on SDA-level expenditure rates.

### C. Proposed Changes

The Department is proposing the following additions to the JTPA Annual Status Report:

#### *Performance Outcomes*

- Youth Placed Who Also Attained A Youth Employability Enhancement.

A subset of entered employment needed to calculate the proposed youth performance measure—the rate of employability enhancements.

- Completed Program Objectives (14–15 year olds).

A subset of employability enhancement added to document those youth who attain positive outcomes in specialized early intervention programs.

#### *Barriers to Employment*

- Minimal Work History (no job over 3 months for the same employer in last 5 years).

- Reading Skills Below the 7th Grade Level.

- Long-Term AFDC Recipient (24 or more months).

These three elements identify those harder-to-serve in the JTPA population. Research supports that serving participants with long welfare histories, little or no work experience and deficits in basic skills significantly lowers employment and average wage while raising costs.

#### *Program Expenditures*

- Total Available Federal Funds.

- Incentive Grants (Title II–A only).

Will provide the only source of sub-State allocation information necessary to analyze expenditure levels and how incentives may influence under-expenditure problems.

### *Youth Competency Attainment*

- Attained Any Competency Area.
- Pre-Employment/Work Maturity Skills.

- Basic Education Skills
- Job Specific Skills

Will be used to develop adjustments to youth standards that account for differences in local youth employment competency programs.

The Department is proposing the following clarifications and redefinitions:

- Attained PIC-Recognized Youth Competency.

Redefined as total number of youth at termination who have demonstrated proficiency in at least two skill areas in which the terminnee was deficient at enrollment.

- Follow-up earnings question.

Earnings question is split into two questions on "hours worked and hourly pay". Resulting information will be more accurate than simply inquiring about "earnings".

- Appendix B: Youth Employment Competencies.

The seven elements of a "sufficiently developed" youth employment competency system are more fully described enabling States to monitor their local youth competency programs for procedural comparability when reporting attainments. Minimum requirements for the reporting of attainments in the pre-employment/work maturity skill area are also proposed to ensure more substantive consistency in a skill area subject to great variation within and among States.

Some changes are recommended which have no policy implications, but reduce the number of elements on the form. For example, the following three subsets of youth employability enhancements are combined into one outcome:

- Entered Non-Title II Training.
- Returned to Full-Time School.
- Completed Major Level of Education.

The method of data collection and reporting will not be changed as a result of these revisions. The data collected from these reports (1) enable the Secretary to establish performance standards at the national level, (2) allow Governors to adjust standards for SDAs and (3) provide Governors with a basis for measuring performance against the standards.

Most of the additional reporting items and redefinitions directly relate to the Department's focus on increasing service to those youth who are at risk of chronic unemployment. The proposed new youth measure allows SDAs to

receive credit for statutorily mandated youth outcomes that were previously understated in the performance management system. The definitional change in the reporting of attained youth competencies not only ensures greater consistency in reporting SDA employability enhancement performance, but also addresses systemwide concern about the varying quality of youth competency training. Knowledge of reading deficiencies should lead to an increase in the provision of basic educational services as part of the current training programs. Tracking of attained competencies by individual skill areas will provide critical programmatic information that will improve future modeling adjustments.

The remaining proposed reporting additions are participant characteristics that identify those facing serious barriers to employment. Without nationwide data, the Department is unable to document the extent to which JTPA is serving those most in need of employment and training assistance. More importantly, the optional adjustment model used by most States to set SDA performance standards cannot adequately account for the severity of client needs or the difficulty in providing service to severely disadvantaged participants. Without holding SDAs harmless for serving the most disadvantaged, there are strong incentives for programs to serve the most employable in order to exceed their standards.

### D. Public Comment

In the development of these proposed revisions, meetings were held between June and October to obtain feedback from individuals from all sectors of the JTPA system regarding actual field experiences. In all, over 60 State and local policy makers, administrators, technicians and service providers, and other interested individuals participated in the various discussions held on the proposed revisions. This request for comment is another important part of that process.

The Secretary especially requests comments on whether data on additional barriers to employment (minimal work history, reading skills below the 7th grade level, and long-term AFDC recipient should be collected on every participant as part of the Federal data system.

### E. Cost to the System

The changes included in this request are not expected to increase the reporting burden for SDAs, since most of

the information is either already being collected at the local level or involves self-reporting by the participants at program entry. The possible exception is the collection of participant reading level skills below the 7th grade. The collection of participant reading skill level may involve procedures which SDAs are not currently undertaking. An estimated 25% of all JTPA participants are already being assessed for reading, either through enrollment in a classroom training program, in Title II-B where assessment for reading and math is required, or in those SDAs that require universal assessment. Programs serving students and some post high school attendees may use school records. Therefore, many participants are not expected to require assessment or contribute to additional data collection costs. Although costs of assessment may vary, using an average cost of \$2.00 per test for the remaining 55% of JTPA enrollees or approximately \$430,000 participants, results in an additional cost of \$860,000 nationally.

#### F. OMB Submission

The document appended to this notice has been submitted to OMB for review under the Paperwork Reduction Act as a revision to a currently approved information collection system.

Signed at Washington, DC, this 16th day of December 1987.

Roberts T. Jones,

Acting Assistant Secretary for Employment and Training.

#### Appendix—JTPA Annual Status Report (JASR)

##### 1. Purpose

The JTPA Annual Status Report (JASR) displays cumulative data on participation, termination, performance measures and the socio-economic characteristics of all terminees on an annual basis. The information will be used to determine levels of program service and performance measures. Selected information will be aggregated to provide quantitative program accomplishments on a local, State, and national basis.

##### 2. General Instructions

The Governor will submit: (1) A combined Statewide JASR for Title II Formula and National Reserve (Column D only) and (2) for Title II-A (Columns A-C) a separate JASR for each designated Service Delivery Area (SDA). (A Statewide summary of these SDA data need not be submitted.) Grantees may determine whether the reports are submitted on JASR forms or as a computer printout, with data,

including signature and title, date signed and telephone number, arrayed as indicated on the JASR form. If revisions are made to the JASR data after the reporting deadline, revised copies of the JASR should be submitted to DOL as soon as possible according to the required reporting procedures.

**Note.**—For JASR reporting purposes, Title II-A shall refer to programs operated with funds authorized under section 202(a) of the Act or otherwise distributed by the Governor under section 202(b)(3) (six percent) of the Act—incentive grants for service to the hard-to-serve and programs exceeding performance standards. Do not include data on (six percent) funds authorized under section 202(b)(3) for technical assistance. Participants and expenditures under Title I, section 123 (8%) and 124 (3%), and expenditures under Title II, section 202(b)(4) (five percent) and any participants, if applicable, are likewise excluded from the JASR.

**Note.**—Participant and expenditure information under Title II-B, Summer Youth Employment and Training Program (SYETP), is also excluded from the JASR.

SDAs should not terminate from Title II-A youths who participate in the Title II-B Summer Program unless they are not expected to return to Title II-A for further employment, training and services.

If these youths receive concurrent employment, training and/or services under both Titles II-A and II-B, they are to be considered participants in both titles for purposes of recording actual number of weeks participated, dollars expended, and other pertinent data.

If, however, these youths do not receive Title II-A employment, training and/or services while participating in Title II-B, this period is *not* to be included in the calculation of actual number of weeks participated in Title II-A at Line 30, Column C.

The reporting period begins on the starting data of each JTPA program year, as stated in section 161 of the Act. Reports are due in the national and regional offices no later than 45 days after the end of each program year. Two copies of the JASR are to be provided to: Employment and Training Administration, U.S. Department of Labor, ATTN: TSVR—Rm. S-5306, 200 Constitution Avenue NW., Washington, DC 20210.

At the same time an additional copy of the JASR is to be provided to the appropriate Regional Administrator for Employment and Training in the DOL regional office that includes the State in which the JTPA recipient is located.

##### 3. Facsimile of Form.

See the following page.

#### 4. Instructions for Completing the JTPA Annual Status Report (JASR)

a. **State/SDA Name, Number and Address.** Enter the name and address of the State agency that will administer the grant recipient's program (Title III report). Enter the name, *ETA assigned SDA number* and address of the designated SDA subrecipient, as appropriate (Title II-A report).

b. **Report Period.** Enter in "From" the beginning date of the designated JTPA program year and enter in "To" the ending date of that program year.

c. **Signature and Title** (at bottom of the page). The authorized official signs here and enters his/her title.

d. **date Signed.** Enter the date the report was signed by the authorized official.

e. **Telephone Number.** Enter the area code and telephone number of the authorized official.

#### 5. General Information

For purposes of the JASR, the Total Adults and Adults (Welfare) columns will include terminees age 22 years and older. Thus, the column breakouts are based strictly on age rather than on program strategy. The youth column will include terminees who were age 14-21 at the time of eligibility determination. The Dislocated Workers column may include adults and youth, as applicable.

Unless otherwise indicated, data reported on characteristics of terminees should be based on information collected at the time of eligibility determination.

*Characteristics Information Obtained on an Individual at the Time of Eligibility Determination for the Recipient's JTPA Program Should Not be Updated When the Individual Terminates From the JTPA Program.*

#### Column Headings

##### Column A Total Adults

This column will contain an entry for each appropriate item for *all* adult participants in Title II-A only.

##### Column B Adults (Welfare)

This column will contain an entry for each appropriate item for adult participants in Title II-A who were welfare recipients or whose family received cash payments under AFDC (SSA Title IV), General Assistance (State or local government), or the Refugee Assistance Act of 1980 (PL 96-212) at the time of JTPA eligibility determination. For reporting and performance standards purposes, exclude those individuals who receive only SSI (SSA Title XVI) from entries in Column B.

**Note.**—Column B is a sub-breakout of Column A; therefore, Column B should be less than or equal to Column A for each line entry.

#### Column C Youth

This column will contain an entry for each appropriate item for all participants, aged 12–21, in Title II–A only.

#### Column D Dislocated Workers

This column will contain an entry for each appropriate item for all participants in Title III who were determined to be eligible dislocated workers.

**Note.**—Columns A, B, and C apply to Title II–A only. Column D applies to Title III only. All information regarding a given participant must be entered in the same column, e.g., Column C for a youth in Title II–A.

The sum of the entries (all SDAs in a State) in Columns A and C, Item I.A., Total Participants, of the JASR should equal the entry in Column A, Item III.A.1., Total Participants, of the JSSR, for the same recipient, that includes the final quarter of the same program year. The entry in Column D, Item I.A. of the Statewide JASR for Title III should be the sum of the entries in Columns B and C, Item III.A. of the JSSR, for the same recipient, that includes the final quarter of the same program year for the same grant.

The sum of the entries (all SDAs in a State) in Column A and C, Item I.B., Total Terminations, of the JASR should equal the entry in Column A, Item III.B.1., Total Terminations, of the JSSR, for the same recipient, that includes the final quarter of the same program year. The entry in Column D, Item I.B. of the statewide JASR for Title III should be the sum of the entries in Columns B and C, Item III.B. of the JSSR, for the same recipient, that includes the final quarter of the same program year for the same grant.

#### Section I—Participation and Termination Summary

Section I displays the program's accomplishments in terms of the total cumulative number of participants in the program and the number and types of terminations from the program, as of the end of the reporting period.

Entries for Items I.A. and I.B. are cumulative from the beginning of the program year through the end of the reporting period.

#### Item I.A.—Total Participants

Enter by column the total number of participants who are or were receiving employment, training or services (except post-termination services) funded under that program title through the end of the reporting period, including both those on

board at the beginning of the designated program year and those who have entered during the program year. If individuals receive concurrent employment, training and/or services under more than one title, they are to be considered participants in both titles for purposes of recording actual number of weeks participated, dollars expended, and other pertinent data.

"Participant" means any individual who has: (1) Been determined eligible for participation upon intake; and (2) started receiving employment, training, or services (except post-termination services) funded under the Act, following intake. Individuals who receive *only* outreach and/or intake and initial assessment services or postprogram follow-up are excluded.

Participants who have transferred from one title to another, or between programs of the same title, should be recorded as terminations from the title or program of initial participation and included as participants in the title or program into which they have transferred.

#### Item I.B.—Total Terminations

Enter by column the total number of participants terminated after receiving employment, training, or services (except post-termination services) funded under that program title, for any reason, from the beginning of the program year through the end of the reporting period. This item is the sum of Items I.B.1. through I.B.3.

"Termination" means the separation of a participant from a given title of the Act who is no longer receiving employment, training, or services (except post-termination services) funded under that title.

**Note.**—Individuals may continue to be considered as participants for a single period of 90 days after last receipt of employment and/or training funded under a given title. During the 90-day period, individuals may or may not have received services. For purposes of calculating average weeks participated, this period between "last receipt of employment and/or training funded under a given title" and actual date of termination is defined as "inactive status" and is not to be included in Line 30.

#### Item I.B.1.—Entered Unsubsidized Employment

Enter by column the total number of participants who, at termination, entered full- or part-time unsubsidized employment through the end of the reporting period. Unsubsidized employment means employment not financed from funds provided under the Act and includes, for JTPA reporting purposes, entry into the Armed Forces, entry into employment in a registered

apprenticeship program, and terminees who became self-employed.

#### Item I.B.1.a.—Also Attained Any Youth Employability Enhancement

Enter the total number of youth who (1) entered unsubsidized employment, Item I.B.1., and (2) *also* attained any one of the five youth employability enhancements (as defined in Item I.B.2. below). *This item is a sub-breakout of Item I.B.1.*

#### Item I.B.2.—Youth Employability Enhancement Terminations

Enter the total number of youth who were terminated under one of the Youth Employability Enhancements through the end of the report period. "Youth Employability Enhancement" means an outcome for youth, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing to the potential for a long-term increase in earnings and employment. Outcomes which meet this requirement shall be restricted to the following: (1) Attained PIC-Recognized Youth Employment Competencies (two or more); (2) Entered Non-Title II Training; (3) Returned to Full-Time School; (4) Completed Major Level of Education; or (5) Completed Program Objectives (14–15 year olds).

**Note.**—For reporting purposes, a youth shall not be counted in this item, if s/he entered unsubsidized employment, and shall be counted in only one of these categories, even though more than one outcome may have been achieved.

#### Item I.B.2.a.—Attained PIC-Recognized Youth Employment Competencies

Enter the total number of youth who, at termination, have demonstrated proficiency as defined by the PIC in two or more of the following three skill areas in which the trainee was deficient at enrollment: pre-employment/work maturity, basic education, or job-specific skills. Competency gains must be achieved through program participation and be tracked through sufficiently developed systems that must include: quantifiable learning objectives, related curricula/training modules, pre- and post-assessment, employability planning, documentation, and certification. This item is a sub-breakout of Item I.B.2.

**Note.**—Termination of participants who received basic education skills and/or job specific skills training funded under 8% programs may be counted under this item as long as they were first enrolled in a youth employment competency system operated under 78% funds.

Appendix B defines the minimal structural and procedural elements of a

sufficiently developed youth employment competency system as well as the minimal requirements for ensuring consistency in the reporting of competency attainment in the pre-employment/work maturity skill area.

*Item I.B.2.b.—Completed Program Objectives (14–15 year olds)*

Enter the total number of youth (ages 14 and 15 only) who, at termination, had completed a program objective. This item is a sub-breakout of Item I.B.2.

**Note.**—For Column C, (1) Item I.B.2.b. cannot be greater than Item II.3., (2) the sum of Items I.B.2.a. and I.B.2.b. cannot be greater than Item I.B.2. and (3) Item I.B.1. plus Item I.B.2. plus Item I.B.3. must equal Item I.B.

*Item I.B.3.—All Other Terminations*

Enter by column the total number of participants who were terminated for reasons other than those in Items I.B.1. and I.B.2., successful or otherwise, through the end of the reporting period. *Include intertitle transfers here.*

**Section II—Terminee Performance Measures Information**

Section II displays performance measures/parameters information. As indicated previously, data reported on characteristics of terminees should be based on information collected at time of eligibility determination unless otherwise indicated.

Governors may develop any participant record which meets the requirements of § 629.35(c) and (d) of the JTPA regulations. The DOL/ETA *Technical Assistance Guide: The JTPA Participant Record*, dated May 1983, may be used as a reference.

*Line Item Definitions and Instructions*  
**Sex**

- Line 1 Male
- Line 2 Female

Distribute the terminees by column according to Sex. The sum of Lines 1 and 2 in each column should equal Item I.B. in that column.

**Age**

- Line 3 14–15
- Line 4 16–17
- Line 5 18–21
- Line 6 22–29
- Line 7 30–54
- Line 8 55 and over

Distribute the terminees by column according to Age. The sum of Lines 3 through 8 in each column should equal Item I.B. in that column.

**Education Status**

- Line 9 School Dropout
- Line 10 Student
- Line 11 High School Graduate or Equivalent (No Post-High School)

**Line 12 Post-High School Attendee**

Distribute the terminees by column according to Education Status. The sum of Lines 9 through 12 in each column should equal Item I.B. in that column.

**Family Status**

Line 13 Single Head of Household with Dependent(s) Under Age 18.

Enter the total number of terminees by column for whom the above Family Status Classification applies.

**Race/Ethnic Group**

- Line 14 White (Not Hispanic)
- Line 15 Black (Not Hispanic)
- Line 16 Hispanic
- Line 17 American Indian or Alaskan Native
- Line 18 Asian or Pacific Islander

Distribute the terminees by column according to the Race/Ethnic Groups listed above. For purposes of this report, Hawaiian Natives are to be recorded as "Asian or Pacific Islander". The sum of Lines 14 through 18 in each column should equal Item I.B. in that column.

**Other Barriers to Employment**

- Line 19 Limited English Language Proficiency
- Line 20 Handicapped
- Line 21 Offender
- Line 22 Minimal Work History
- Line 23 Reading Skills Below 7th Grade
- Line 24 Long-Term AFD Recipient

Enter the total number of terminees by column for whom each of the above Other Barriers to Employment apply.

**U.C. Status**

- Line 25 Unemployment Compensation Claimant

Enter the total number of terminees by column for whom the above Unemployment Compensation Status classification applies.

**Labor Force Status**

- Line 26 Unemployed: 15 or More Weeks of Prior 26 Weeks
- Line 27 Not in Labor Force

Enter the total number of terminees by column for whom each of the above Labor Force Status classifications apply.

**Welfare Grant Information**

- Line 28 Welfare Grant Type: AFDC
- Line 29 GA/RCA

Distribute by column the total number of adult and youth welfare terminees who, at eligibility determination, were receiving (or whose family was receiving) cash payments under AFDC (SSA Title IV), GA, General Assistance (State or local government) or RCA (Refugee Cash Assistance) of the

Refugee Assistance Act of 1980 (PL 96–212). If a welfare recipient terminnee (or his/her family) received AFDC cash payments, include such terminnee on Line 28. A welfare recipient terminnee (or his/her family) who received cash payments under GA and/or RCA, but *not* AFDC, should be included on Line 29. The sum of Lines 28 and 29 in Column B, Adults (Welfare), should equal Item I.B. in that column. The sum of Lines 28 and 29 in Column C, Youth, should be the same as or less than Item I.B. in that column.

**Other Program Information**

**Line 30 Average Weeks Participated**

Enter by column the average number of weeks of participation in the program for all terminees. Weeks of participation include the period from the date an individual becomes a participant in a given title through the date of a participant's last receipt of employment and/or training funded under that title. Exclude the period of up to 90 days during which an individual may remain in an inactive status prior to termination. Time in inactive status for all terminees should not be counted toward the actual number of weeks participated. Inactive status is defined as that period between "last receipt of employment and/or training funded under a given title" and actual date of termination. See note at Item I.B.

To calculate this entry: Count the number of days participated for each terminnee, including weekends, from his/her date of entry into the program until his/her last receipt of employment and/or training. For those who receive services only, use date of last receipt of such services. Divide this result by 7. This will give the number of weeks participated for that terminnee. Sum all the terminees' weeks of participation and divide the result by the number of terminees, as entered (by column) in Item I.B. This entry should be reported to the nearest whole week.

**Line 31 Average Hourly Wage at Termination**

Enter by column the average hourly wage at termination for the total number of terminees in Item I.B.1.

To calculate this entry: Sum the hourly wage at termination for all the terminees shown in Item I.B.1. Divide the result by the number of terminees shown in Item I.B.1.

Hourly wage includes any bonuses, tips, gratuities and commissions earned.

Line 32 Total Program Costs (Federal Funds)

Enter the total accrued expenditures, through the end of the reporting period,

of the funds allocated to SDAs under section 202(a) of the Act or otherwise distributed by the Governor to SDAs under section 202(b)(3)—incentive grants for services to the hard-to-serve and programs exceeding performance standards—for Title II-A programs in Columns A and C (includes costs of services to participants aged 14–21), as appropriate, for *all* participants served. Do not include expenditures on funds authorized under section 202(b)(3) for technical assistance. Exclude expenditures under Title I sections 123 (8%) and 124 (3%) and Title II section 202(b)(4) (5%). Enter the total accrued expenditures of Title III funds received by the Governor under section 301 of the Act in Column D only, for *all* Title III participants served through the end of the reporting period. Include expenditures of Federal funds only, both Formula and Discretionary National Reserve.

**Note:** Entries will be made to the nearest dollar. The JASR program cost data will be compiled on an accrual basis. If the recipient's accounting records are not normally maintained on an accrual basis, the accrual information should be developed through an analysis of the records on hand or on the basis of best estimates.

The sum of the entries in Columns A and C, Line 32, Total Program Costs, of the JASR (i.e., total for the State's SDAs under Title II-A) should equal the entry in Column A, Item I.A.1., Total Program Expenditures, of the JSSR, and the entry in Column C, Line 32 of the JASR should equal the entry in Column A, Item II. of the JSSR, for the same recipient, that includes the final quarter of the same program year. The entry in Column D, Line 32, of the Statewide JASR for Title III should be the sum of the entries in Columns B and C, Item I.A. of the JSSR, for the same recipient, that includes the final quarter of the same program year for the same grant.

#### Line 33 Total Available Federal Funds

Enter the total Federal funds available for the Title II-A or Title III program described on this report including (1) unexpended funds carried over from previous program years, (2) funds allocated or awarded for this program year, and (3) any reallocation that *increased or decreased* the amount of funds available for expenditure through the end of this reporting period. Enter *all* Title II-A funds (Adults and Youth) in Column A and all Title III funds in Column D. Title II-A funds include those allocated to the SDA by the Governor under section 202(a) of the Act, as well as incentive grants for services to the hard-to-serve and for programs exceeding performance standards under

section 202(b)(3). Exclude funds authorized under section 202(b)(3) (6%) for technical assistance to SDAs and funds received for activities under sections 123 (8%) and 124 (3%) and section 202(b)(4) (5%). Title III funds include *all* formula amounts received under section 301(a) and *all* Discretionary awards received under section 301(b).

#### Line 34 New Incentive Grants (Title II-A only)

Enter the total amount of *new* incentive grants funds awarded to the SDA during this reporting period for services to the hard-to-serve and for programs exceeding performance standards under section 202(b)(3). Do not include incentive grants funds awarded in previous program years that remained available for expenditure during this program year. *This line is a sub-breakout of Line 33, Total Available Federal Funds.*

### Section III—Follow-up Information

Section III displays information based on follow-up data which must be collected through participant contact to determine an individual's labor force status and earnings, if any, during the 13th full calendar week after termination and the number of weeks s/he was employed during the 13-week period. Follow-up data should be collected from participants whose 13th full calendar week after termination ends during the program year (the follow-up group). Thus, follow-up will be conducted for individuals who terminate during the first three quarters of the program year and the last quarter of the previous program year.

Follow-up data will be collected for the following terminees: Title II-A adults, adult welfare recipients, and Title III dislocated workers (Columns A, B, and D). No follow-up information is required for Title II-A youth (Column C).

The procedures used to collect the follow-up data are at the discretion of the Governors. However, in order to ensure consistency of data collection and to guarantee the quality of the follow-up information, follow-up procedures must satisfy certain criteria. (See the Follow-up Guidelines included in these JASR instructions, Appendix A.)

**Note.** Every precaution must be taken to prevent a "response bias" which could arise because it may be easier to contact participants who were employed at termination than those who were not and because those who entered employment at termination are more likely to be employed at follow-up. Special procedures have been developed by which SDAs and States can monitor response bias. If your response rates for those who were and were not employed

at termination differ by more than 5 percentage points, the follow-up entries for the JASR must be calculated using the "Worksheet for Adjusting Follow-up Performance Measures" in the Follow-up Technical Assistance Guide. If the response rates differ by 5 percentage points or less, the following instructions for completing Lines 35–37 may be used.

#### Line 35 Employment Rate (At Follow-up)

Enter by column the employment rate at follow-up.

Calculate the employment rate by dividing the total number of respondents who were employed (full-time or part-time) during the 13th full calendar week after termination by the total number of respondents (i.e., terminees who completed follow-up interviews). Then multiply the result by 100. This entry should be reported to the nearest one decimal (00.0).

#### Line 36 Average Weekly Earnings of Employed (At Follow-up)

Enter by column the average weekly earnings of those employed (full-time or part-time) at follow-up.

Calculate the (before-tax) average weekly earnings by multiplying the hourly wage by the number of reported hours for each respondent employed at follow-up; and, if appropriate, add tips, overtime, bonuses, etc. Divide the sum of weekly earnings for all respondents employed during the 13th full calendar week after termination by the number of respondents employed at the time of follow-up. Respondents not employed at follow-up are not included in this average. This entry should be reported to the nearest whole dollar.

Weekly earnings include any wages, bonuses, tips, gratuities, commissions and overtime pay earned.

#### Line 37 Average Number of Weeks Worked in Follow-up Period

Enter by column the average number of weeks worked.

To calculate the average number of weeks worked (full-time or part-time), divide the sum of the number of weeks worked during the 13 full calendar weeks after termination for all respondents who worked, by the *total* number of all respondents, whether or not they worked any time during this 13-week follow-up period. This entry should be reported to the nearest one decimal (00.0).

#### Line 38 Sample size

Enter by column the size of the actual sample selected to be contacted for follow-up. (For Title III only, a *statewide* sample of dislocated workers must be selected. For Title II-A, i.e., adults and

adult welfare recipients, SDA samples must be selected.)

**Note.**—If oversampling was used, the sample size should include all those selected, not just the required minimum sample size. Those deceased or severely incapacitated to the point of being unable to respond at follow-up may be excluded from the sample size.

#### Line 39 Response Rate

Enter by column the overall response rate, i.e., the percentage of complete surveys obtained.

To calculate the overall response rate, divide the number of terminees with complete follow-up information by the total number of terminees included in the follow-up sample (Line 38) and multiply by 100. This entry should be reported to the nearest whole percent.

**Note.**—Complete follow-up information consists of substantive answers to the required follow-up questions and may not include "don't know", "no answer" or "don't remember".

#### Section IV—Youth Employment Competency Attainment Information

Section IV displays information relevant to youth employment competency attainment as defined by the PIC. Regardless of termination type, the following data represent the total cumulative number of individuals that attained a youth employment competency in any of the three skill areas and the numbers of individuals who attained a competency in (1) pre-employment/work maturity, (2) basic education and/or (3) job specific skills.

**Note.**—Termination of participants who received basic education skills and/or job specific skills training funded under 8% programs may be counted under this item as long as they were initially enrolled in a youth employment competency system operated under 78% funds.

Appendix B defines the minimal structural and procedural elements of a sufficiently developed youth employment competency system as well as the minimal requirements for ensuring consistency in the reporting of competency attainment in the pre-employment/work maturity skill area.

#### Line 40 Attained Any Competency Area

Enter in Column C the total unduplicated number of youth terminees who were enrolled in a youth employment competency component and who attained a competency in at least one skill area.

**Note.**—Lines 41–43 are *not* sub-breakouts of Line 40 because one individual may attain several competencies and may be recorded on more than one of Lines 41–43. That

individual may be recorded only once on Line 40, thus, Lines 41–43 *need not* sum to Line 40.

#### Line 41 Pre-Employment/Work Maturity Skills

Enter in Column C the number of youth terminees who attained a competency in the pre-employment/work maturity skill area.

#### Line 42 Basic Education Skills

Enter in Column C the number of youth terminees who attained a competency in the basic education skill area.

#### Line 43 Job Specific Skills

Enter in Column C the number of youth terminees who attained a competency in the job specific skill area.

**Note:** An entry of "0" on any of Lines 41–43 may indicate that the PIC has determined that a specific skill area is not necessary to become employment competent in their local labor market.

#### Appendix A—Follow-up Guidelines

To ensure consistent data collection and as accurate information as possible, procedures used to obtain follow-up information must satisfy the following criteria:

- Participant contact should be conducted by telephone or in person. Mail questionnaires may be used in those cases where an individual does not have a telephone or cannot be reached.

- Participant contact must occur as soon as possible after the 13th full calendar week after termination but no later than the 17th calendar week after termination.

- Data reported are to reflect the individual's labor force status and earnings during the 13th full calendar week after termination and the number of weeks she/he was employed throughout the 13-week period after termination.

- Interview questions developed by DOL (see following Exhibit) must be used to determine the follow-up information reported on the JASR. These questions are also included in the *Follow-up Technical Assistance Guide*.

Respondents must be told that responding is voluntary and that information provided by them will be kept confidential. Other questions may be included in the interview. Attitudinal questions may precede DOL questions, but questions related to employment and earnings must follow.

#### Exhibit—Minimum Postprogram Data Collection Questions

A. I want to ask you about the week starting on Sunday, \_\_\_\_\_, and ending on Saturday, \_\_\_\_\_, which

was (last week/two/three/four weeks ago).

1. Did you do any work for pay during that week?

\_\_\_\_\_ Yes [Go to 2]

\_\_\_\_\_ No [Go to C]

2. How many hours did you work in that week?

\_\_\_\_\_ Hours

3. How much did you get paid per hour?

\_\_\_\_\_ Dollars per hour

4. How much extra, if any, did you earn from tips, overtime, bonuses, commissions, or any work you did on the side, before deductions?

\_\_\_\_\_ Dollars

B. Now I want to ask you about the entire 13 weeks from Sunday, \_\_\_\_\_, to Saturday, \_\_\_\_\_.

5. Including the week we just talked about, how many weeks did you work at all for pay during the 13-week period?

\_\_\_\_\_ Weeks [Go to end]

#### Alternative Questions

C. If answered "NO" to Question 1:

Now I want to ask you about the entire 13 weeks from Sunday, \_\_\_\_\_, to Saturday, \_\_\_\_\_.

6. Did you do any work for pay during that 13-week period?

\_\_\_\_\_ Yes [Go to 7]

\_\_\_\_\_ No [Go to end]

7. How many weeks did you do any work at all for pay during that 13-week period?

- Attempts must be made to contact *all* individuals unless terminee populations are large enough to use sampling.

- At least six attempts may need to be made to contact enough individuals in the follow-up group to obtain the required response rate.

- For each SDA (Title II–A) or combined Statewide (Title III Formula and National Reserve) report (JASR), minimum response rates of 70% are required for each of the following six groups: among adults, those who entered employment at termination and those who did not enter employment at termination; among welfare recipients, those who entered employment at termination and those who did not enter employment at termination; and among dislocated workers, those who entered employment at termination and those who did not enter employment at termination. The response rate is calculated as the number of terminees with complete follow-up information divided by the total number of terminees included in the group eligible for follow-up.

### Sampling Procedures

Where sampling is used to obtain participant contact information, it is necessary to have a system which ensures consistent random selection of sample participants from *all* terminees in the group requiring follow-up.

- No participant in the follow-up group may be arbitrarily excluded from the sample.

- Procedures used to select the sample must conform to generally accepted statistical practice, e.g., a table of random numbers or other random selection techniques must be used.

- The sample selected for contact must meet minimum sample size requirements indicated in Table 1.

The use of sampling will depend on whether the terminnee populations are large enough to provide estimates which meet minimum statistical standards. If the number of terminnees for whom follow-up is required is less than 138, sampling cannot be used. In such cases attempts must be made to contact all the appropriate terminnees.

#### Minimum Sample Sizes for Follow-up

To determine the minimum number of terminnees to be included in the follow-up sample, refer to Table 1 in the following instructions. Find the row in the left-hand column that contains the planned number of terminnees for each of the groups requiring follow-up: adults, welfare recipients and dislocated workers. The required minimum sample size is given in the middle column of that row. The last column gives sampling percentages that will assure that the minimum sample size is obtained.

**Note:** The welfare recipients in the adult sample may be used as part of the welfare sample. In this case, an additional number of welfare recipients must be randomly selected to provide a supplemental sample large enough to meet the same accuracy requirements as other groups requiring follow-up. To determine the minimum size of this supplemental welfare sample, find the row in the left-hand column of Table 1 that contains the planned *total* number of welfare recipients requiring follow-up. From the corresponding entry in the middle column, subtract the number of welfare recipients included in the adult sample. The remainder represents the minimum size of the supplemental sample of welfare recipients required for contact.

TABLE 1.—MINIMUM SAMPLE SIZES FOR FOLLOW-UP

Number of terminnees in follow-up population	Minimum sample size	Sampling percentages
1-137	All	100
138-149	137	94
150-159	143	92

TABLE 1.—MINIMUM SAMPLE SIZES FOR FOLLOW-UP—Continued

Number of terminnees in follow-up population	Minimum sample size	Sampling percentages
160-169	149	89
170-179	154	87
180-189	159	85
190-199	164	84
200-224	175	82
225-249	185	78
250-274	194	74
275-299	202	71
300-349	217	67
350-399	239	62
400-449	240	57
450-499	250	53
500-599	265	50
600-749	282	44
750-999	302	38
1,000-1,499	325	30
1,500-1,999	338	22
2,000-2,999	352	17
3,000-4,999	364	12
5,000 or more	383	7.3

#### Correcting for Differences in Response Rates

Different response rates for those terminnees who entered employment at termination and those who did not are expected to bias the performance estimates because those who entered employment at termination are more likely to be employed at follow-up. It is assumed that those who were employed at termination are easier to locate than those who were unemployed because the interviewer has more contact sources (e.g., name of employer). The resulting response bias can artificially inflate performance results at follow-up.

To account for this problem, separate response rates should be calculated for those who were employed at termination and for those who were not. These separate response rates should be calculated for three groups: all adult II-A terminnees, welfare recipients and Title III terminnees.

For each group, if the response rates of those employed at termination and those not employed differ by more than 5 percentage points, then the "Worksheet for Adjusting Follow-up Performance Measures" in the Follow-up Technical Assistance Guide must be used to correct the follow-up measures for that group.

#### Appendix B—PIC-Recognized Youth Employment Competencies

##### A. General Description of Youth Employment Competency Skill Areas

- *Pre-employment skills* include world of work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision making, and job search techniques (resumes, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the phone, telling time, shopping, renting an

apartment, opening a bank account, and using public transportation; and

- *Work maturity skills* include positive work habits, attitudes, and behavior such as punctuality, regular attendance, presenting a neat appearance; getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective coping and problem-solving skills, and acquiring an improved self image.

- *Basic education skills* include reading comprehension, math computation, writing, speaking, listening, problem solving, reasoning, and the capacity to use these skills in the workplace.

- *Job-specific skills*—Primary job-specific skills encompass the proficiency to perform actual tasks and technical functions required by certain occupational fields at entry, intermediate or advanced levels. Secondary job-specific skills entail familiarity with and use of set-up procedures, safety measures, work-related terminology, recordkeeping and paperwork formats, tools, equipment and materials, and breakdown and clean-up routines.

##### B. Sufficiently Developed Systems for Youth Employment Competencies

A sufficiently developed youth employment competency system must include the following structural and procedural elements:

##### 1. Quantifiable Learning Objectives

- PIC-recognized competency statements that are quantifiable, employment-related, measurable, verifiable learning objectives that specify the proficiency to be achieved as a result of program participation.

Employment competencies/quantifiable learning objectives approved by the PIC as relevant to the SDA must include a description of the skills/knowledge/attitudes/behavior to be taught, the levels of achievement to be attained, and the means of measurement to be used to demonstrate competency accomplishment. The level of achievement selected should enhance the youth's employability and opportunities for postprogram employment.

## 2. Related Curricula, Training Modules, and Approaches

- Focused curricula, training modules, or behavior modification approaches which teach the employment competencies in which youth are found to be deficient.

Such related activities, components, or courses must encompass participant orientation, work-site supervisor/instructor/community volunteer training, and staff development endeavors as appropriate. They also must include, as appropriate, relevant agreements, manuals, implementation packages, instructions, and guidelines. A minimum duration of training must be specified which allows sufficient time for a youth to achieve those skills necessary to attain his/her learning objectives.

## 3. Pre-Assessment

- Assessment of participant employment competency needs at the start of the program to determine if youth require assistance and are capable of benefitting from available services.

A minimum level of need must be established before a participant is eligible to be tracked as a potential "attained PIC-recognized youth employment competency" outcome. All assessment techniques must be objective, unbiased and conform to widely accepted measurement criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility and accuracy, and provide for the training/preparation of all raters/scorers.

## 4. Post-Assessment (Evaluation)

- Evaluation of participant achievement at the end of the program to determine if competency-based learning gains took place during project enrollment.

Intermediate checking to track progress is encouraged. All evaluation techniques must be objective, unbiased and conform to widely accepted evaluation criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility and accuracy, and provide for the training/preparation of all raters/scorers.

## 5. Employability Development Plans (EDP)

- Employability development plans/individual education plans which use assessment results in assigning participants to appropriate learning activities/sites in the proper sequence to promote participant growth and

development, remedy identified deficiencies, and build upon strengths.

Employability development planning is an interactive process between program and youth. It should be completed soon after enrollment and be updated periodically.

## 6. Documentation

- Maintenance of participant records and necessary reporting of competency-based outcomes to document intra-program learning gains achieved by youth.

SDAs are responsible for maintaining (1) copies of all competency statements and (2) evidence of their approval by the PIC. Program records must encompass:

(a) *Pre-test/assessment* documentation which substantiates deficiencies in PIC-recognized youth employment competencies at program entry;

(b) Substantiation that youth were enrolled in JTPA activities with operative curriculum and/or training modules to teach the competencies identified as deficiencies;

(c) *Post-test/evaluation* documentation which substantiates attainment of PIC-recognized competencies during the program period; and,

(d) A copy of the participant EDP, and copies of all certificates awarded, as well as any other documents which serve as proof of gain.

## 7. Certification

- Proof of youth employment competency attainment in the form of a certificate for participants who achieve predetermined levels of proficiency to use as evidence of this accomplishment to assist them in entering the labor market.

### *C. Guidelines for Ensuring Consistency in the Reporting of Pre-Employment/Work Maturity Skill Competencies*

In order for an attainment to be reported in the area of preemployment/work maturity, at least one PIC-certified competency statement must be developed/quantified and capability/ability demonstrated in each of the following 11 core competencies—provided that at least 5 of these learning objectives were achieved during program intervention:

1. Making Career Decisions
2. Using Labor Market Information
3. Preparing Résumés
4. Filling Out Applications
5. Interviewing
6. Being Consistently Punctual
7. Maintaining Regular Attendance
8. Demonstrating Positive Attitudes/Behavior

## 9. Presenting Appropriate Appearance

## 10. Exhibiting Good Interpersonal Relations

## 11. Completing Tasks Effectively

### **Appendix C—Definitions of Terms Necessary for Completion of Reports**

#### *Employment/Training Services*

*Assessment*—services are designed to initially determine each participant's employability, aptitudes, abilities and interests, through interviews, testing and counseling to achieve the applicant's employment related goals.

*Follow-Up*—is the collection of information on a terminee's employment situation at a specified period after termination from the program.

*Intake*—includes the screening of an applicant for eligibility to determine: (1) Whether the program can benefit the individual; (2) the employment and training activities and services which would be appropriate for that individual; (3) availability of an appropriate employment and training activity; (4) a decision on selection for participation and (5) dissemination of information on the program.

*Outreach*—activity involves the collection, publication and dissemination of information on program services directed toward economically disadvantaged and other individuals eligible to receive JTPA training and support services.

#### *Youth Employability Enhancement Termination*

An outcome for youth, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing to the potential for long-term increase in earnings and employment. The five youth employability enhancement outcomes are:

(1) Demonstrated proficiency in youth employment competencies as defined by the PIC *two or more* of the following three skill areas in which the terminee was deficient at enrollment: pre-employment/work maturity, basic education, or job-specific skills.

(2) Entered an employment/training program not funded under Title II of the JTPA.

(3) Returned to full-time school if, at time of entry, the participant was *not* attending school and had *not* obtained a high school diploma or equivalent.

(4) Completed, during enrollment, a level of educational achievement which had not been reached at entry. Levels of educational attainment are elementary, secondary, and post-secondary. Completion standards shall be governed by State standards or, at the Governor's

discretion, local standards at the elementary level; shall include a high school diploma, GED Certificate or equivalent at the secondary level, and shall require a diploma or other written certification of completion at the post-secondary level. NOTE: To obtain credit, the completion of a given level of education must be included in the individual's employability development plan.

(5) Completed program objectives as defined in approved exemplary youth project plans if, at time of entry, the participant was 14 or 15 years of age.

#### *Education Status*

**School Dropout**—An adult or youth (aged 14–21) who is not attending school full-time and has not received a high school diploma or a GED certificate.

**Student**—An adult or youth (aged 14–21) who has not received a high school diploma or GED certificate and is enrolled full-time in an elementary, secondary or postsecondary-level vocational, technical, or academic school or is between school terms and intends to return to school.

**High School Graduate or Equivalent (No Post-High School)**—An adult or youth (age 14–21) who has received a high school diploma or GED Certificate, but who has not attended any postsecondary vocational, technical, or academic school.

**Post High School Attendee**—An adult or youth (aged 14–21) who has received a high school diploma or GED certificate and has attended (or is attending) any postsecondary-level vocational, technical, or academic school.

#### *Family Status*

**Single Head of Household**—A single, abandoned, separated, divorced or widowed individual who has responsibility for one or more dependent children under age 18.

#### *Race/Ethnic Group*

**White (Not Hispanic)**—A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

**Black (Not Hispanic)**—A person having origins in any of the black racial groups of Africa.

**Hispanic**—A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin (including Spain), regardless of race.

**Note.**—Among persons from Central and South American countries, only those who are of Spanish origin, descent, or culture should be included in the Hispanic category. Persons from Brazil, Guiana, and Trinidad, for example, would be classified according to their race, and would not necessarily be

included in the Hispanic category. Also, the Portuguese should be excluded from the Hispanic category and should be classified according to their race.

**American Indian or Alaskan Native**—A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

**Asian or Pacific Islander**—A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent (e.g., India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhutan), or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa. Hawaiian natives are to be recorded as Asian or Pacific Islanders.

#### *Other Barriers To Employment*

**Limited English Language Proficiency**—Inability of an applicant, whose native language is not English, to communicate in English, resulting in a job handicap.

**Handicapped Individual**—Refer to section 4(10) of the Act. Any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

**Note.**—This definition will be used for performance standards purposes, but is not required to be used for program eligibility determination (section 4(8)(E)).

**Offender**—For reporting purposes, the term "offender" is defined as any adult or youth who requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction (excluding misdemeanors).

**Minimal Work History**—An adult or youth who did not work for the same employer for longer than 3 consecutive months in the five years prior to JTPA eligibility determination.

**Reading Skills Below 7th Grade Level**—An adult or youth assessed as having English reading skills below the 7th grade level on a generally accepted standardized test.

**Long-Term AFDC Recipient**—An adult or youth welfare recipient who had received (or whose family had received) cash payments under AFDC (SSA Title IV) for any 24 or more of the 30 months prior to eligibility determination.

#### *U.C. Status*

**Unemployment Compensation Claimant**—Any individual who has filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal unemployment compensation programs,

and who has not exhausted benefit rights or whose benefit year has not ended.

#### *Labor Force Status*

**Employed**—(a) An individual who, during the 7 consecutive days prior to application to a JTPA program, did any work at all: (i) As a paid employee; (ii) in his or her own business, profession or farm, or (iii) worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family; or (b) an individual who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time off, and whether or not seeking another job. (This term includes members of the Armed Forces on active duty, who have not been discharged or separated; participants in registered apprenticeship programs; and self-employed individuals.)

**Employed Part-Time**—An individual who is regularly scheduled for work less than 30 hours per week.

**Unemployed**—An individual who did not work during the 7 consecutive days prior to application for a JTPA program, who made specific efforts to find a job within the past 4 weeks prior to application, and who was available for work during the 7 consecutive days prior to application (except for temporary illness).

**Unemployed: 15 OR MORE WEEKS OF PRIOR 26 WEEKS**—An individual who is unemployed at the time of eligibility determination and has been unemployed for any 15 or more of the 26 weeks immediately prior to such determination.

**Not in Labor Force**—A civilian 14 years of age or over who did not work during the 7 consecutive days prior to application for a JTPA program and is not classified as employed or unemployed.

#### *Welfare Grant Information*

**Welfare Recipient**—An individual who receives (or whose family receives) cash payments under AFDC (SSA Title IV), General Assistance (State or local government), or the Refugee Assistance Act of 1980 (PL 96-212) at the time of JTPA eligibility determination. For reporting and performance standards purposes, *exclude* those individuals who receive only SSI (SSA Title XVI).

#### *Program Costs*

**Accrued Expenditures**—The allowable charges incurred during the program year to date requiring provision of funds for: (1) goods and other tangible

property received; and (2) costs of services performed by employees, contractors, subrecipients, and other payees.

**Note.**—These charges do not include "resources on order", i.e., amounts for contracts, purchase orders and other obligations for which goods and/or services have not been received.

[FR Doc. 87-29187 Filed 12-18-87; 8:45 am]  
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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

### Arkansas Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-6, issued to Arkansas Power and Light Company (the licensee), for operation of the Arkansas Nuclear One, Unit 2 located in Russellville, Arkansas.

The amendment would revise the provisions in the Technical Specifications relating to change out of the station batteries and changes in the battery tests, in accordance with the licensee's application for amendment dated September 17, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 20, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petitions for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing

Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceedings on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner

promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Jose A. Calvo: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth St., NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 17, 1987, which is available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, DC and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland, this 15th day of December, 1987.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

*Project Manager, Project Directorate—IV,  
Division of Reactor Projects—III, IV, V and  
Special Projects, Office of Nuclear Reactor  
Regulation.*

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[Docket No. 50-368]

### Arkansas Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment Facility Operating License No. NPF-6, issued to Arkansas Power and Light Company (the licensee), for operation of

the Arkansas Nuclear One, Unit 2 located in Russellville, Arkansas.

Pursuant to 10 CFR 50.90, the licensee has proposed an amendment that would revise the provisions in the Technical Specifications relating to an increase in refueling water tank and safety injection tank boron concentration, in accordance with the licensee's application for amendment dated October 28, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 20, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceedings, but such an amended

petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to Jose A. Calvo; petitioner's name and telephone number; petition was mailed October 28, 1987; Arkansas Nuclear One, Unit 2 and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and the Nicholas S. Reynolds, Esq., Bishop, Lieberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for

the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 28, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland, this 15th day of December, 1987.

For the Nuclear Regulatory Commission  
George F. Dick, Jr.,

*Project Manager, Project Directorate—IV,  
Division of Reactor Projects—III, IV, V and  
Special Projects Office of Nuclear Reactor  
Regulation.*

[FR Doc. 87-29190 Filed 12-18-87; 8:45 am]

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[Doclet No. 50-368]

**Arkansas Power and Light Co.;  
Consideration of Issuance of  
Amendment to Facility Operating  
License and Opportunity for Prior  
Hearing**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-6, issued to Arkansas Power and Light Company (the licensee), for operation of the Arkansas Nuclear One, Unit 2 located in Russellville, Arkansas.

Pursuant to 10 CFR 50.90, the licensee has proposed an amendment that would revise the provisions in the Technical Specifications relating to boric acid makeup tank boron concentration reduction, in accordance with the licensee's application for amendment dated October 28, 1987.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 20, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of

Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above data, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reason why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceedings, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with

the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC by the above date.

Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to Jose A. Calvo; petitioner's name and telephone number; petition was mailed October 28, 1987; Arkansas Nuclear One, Unit 2 and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esq., Bishop, Lieberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 28, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland, this 15th day of December, 1987.

For the Nuclear Regulatory Commission.

**George F. Dick, Jr.,**

*Project Manager, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.*

[FR Doc. 87-29191 Filed 12-18-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-498]

**Houston Lighting and Power Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination**

In the matter of Houston Lighting and Power Company, City Public Service Board of San Antonio, Central Power and Light Company, and City of Austin, Texas.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No NPF-71, issued to Houston Lighting & Power Company, et al. (the licensee), for operation of the South Texas Project Unit 1 facility located in Matagorda County, Texas.

The amendment would increase the allowable response times for overtemperature delta-T and overpower delta-T instrumentation from 6.5 seconds to 8.0 seconds. The maximum acceptable response time is given in Table 3.3-2 of the Technical Specifications, NUREG-1255, for South Texas Project Unit 1.

This action is in response to the licensee's application for amendment dated November 12, 1987. Subsequently, on December 9, 1987, the licensee requested that this amendment request be treated as an exigent situation because without the amendment, the startup of the unit may not be able to proceed. The determination of whether or not the time response represents a constraint on startup cannot be made until tests scheduled for December 18, 1987 are completed. The licensee has stated that startup and operation at higher power levels will be delayed if the technical specification amendment is needed but not implemented in time. The staff concurs with the need to expedite the amendment process for the following reason:

The staff has examined the schedule for activities between initial criticality and commercial operation and finds that it provides for a methodical and safe power ascension program. It incorporates hold points to conduct tests and provides for NRC staff assessments. Attempts to compress the activities into a shorter period of time would compromise safe power operation. Accordingly, the staff concludes that delay in initial criticality is likely to result in a delay in eventual power operation of the facility and involves an emergency that could result in delay in start of power production. Since the amendment does not involve a significant hazards consideration, the

usual 30-day notice period is being reduced to 15 days.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Resistance temperature detectors (RTDs) provide measurement of reactor coolant temperatures which are processed electronically and used in the reactor trip system. The licensee has performed analysis to determine the effect of increasing the response time from 6.5 seconds to 8 seconds. The analyses have considered the following accident scenarios shown below with the FSAR section which contains the description: 15.6.5—Large Break LOCA; 15.6.5—Small Break LOCA; 15.4.8—Rod Ejection Long Term Mass; 6.2—Containment Subcompartment and Long Term Mass and Energy Release; 15.6.3—Steam Generator Tube Rupture; 3.6—Blowdown Reactor Vessel and Loop Forces; 15.6.5—Post-LOCA Long-Term Core Cooling; 6.3.2.5—Hot Leg Switchover to Prevent Potential Boron Precipitation; 13.5.2—Emergency Response Guidelines; 15.4.2—Uncontrolled RCCA Bank Withdrawal at Power; 15.2.3—Loss of Load/Turbine Trip; 15.6.1—Inadvertent opening of a Pressurizer Safety or Relief Valve Event; 15.4.6—Uncontrolled Boron Dilution at Power; 15.1.5—Steamline Rupture at Power.

The NRC staff has evaluated the results of the above analyses and concluded that the performance of the reactor trip system would be acceptable with a RTD response time of 8.0 seconds. Based on this assessment, the requested change will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because all the computed consequences meet the same acceptance criteria used in the previous review. As a result, the trip system would function in such a way as to maintain the required temperatures and pressures.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the technical Specifications currently in force already incorporates a major part of the time delay of 8.0 seconds. In addition, the licensee has stated that no physical modifications are involved in making this change.

(3) Involve a significant reduction in the margin of safety because the analyses show that there is minimal impact on the consequences of design basis accidents.

Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the **Federal Register** and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephone to Jose A. Calvo, Director, Project Directorate—IV, by collect call to (301) 492-7460, or submitted in writing to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. All comments received by January 5, 1988, will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Local Public Document Room, Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488 and in the Austin Public Library, 810 Guadalupe Street, Austin, Texas 78701.

Dated at Bethesda, Maryland, this 15th day of December, 1987.

For the Nuclear Regulatory Commission.

Jose A. Calvo,

Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Project, Officer of Nuclear Reactor Regulation.

[FR Doc. 87-29192 Filed 12-18-87; 8:45 am]

BILLING CODE 7590-01-M

#### [Docket No. 50-302]

#### Florida Power Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix A to 10 CFR Part 50 to the Florida Power Corporation (the licensee), for the Crystal River Unit 3 Nuclear Generating Plant, located in Crystal River, Florida.

#### Environmental Assessment

##### Identification of Proposed Action

The proposed exemption would allow temporary relief from the requirements of General Design Criterion-17 (GDC-17) for the Crystal River Unit 3 Nuclear Generating Plant.

##### The Need for the Proposed Action

The proposed exemption is needed on a temporary basis in order to allow the diesel generators to be operated at the maximum calculated accident load, which would, in turn, permit plant operation during the next cycle until modifications could be made which would bring the plant into compliance with GDC-17.

##### Environmental Impact of the Proposed Action

The proposed exemption does not involve any measurable environmental impacts. The diesel generators will remain operable and, with the proposed compensatory measures, capable of performing their function. Consequently, the Commission concludes that there are no significant radiological impacts associated with the proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impact associated with the proposed exemption.

### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impacts associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to require literal compliance with GDC-17. Such action would not enhance the protection of the environment, and would result in unjustified costs to the licensee as the plant could not restart from its current refueling outage.

### *Alternative Use of Resources*

This action does not involve the use of resources not previously considered in the Final Environmental Statement for the Crystal River Unit 3 Nuclear Generating Plant.

### *Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult with any other agencies or persons.

### *Finding of No Significant Impact*

Based on the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment. The Commission has, therefore, determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the application for exemption dated December 14, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629.

Dated at Bethesda, Maryland, this 15th day of December 1987.

For the Nuclear Regulatory Commission.

Harley Silver,

*Acting Director, Project Directorate II-2,  
Division of Reactor Projects—I/II, Office of  
Nuclear Reactor Regulation.*

[FR Doc. 87-29186 Filed 12-18-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-206, 50-361, and 50-362]

### **Southern California Edison Co., et al.; Environmental Assessment and Finding of No Significant Impact**

The United States Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80 of the corporate restructuring of Southern California Edison Company (SCE), co-owner and co-licensee for the

San Onofre Nuclear Generating Station (SONGS), Units 1, 2, and 3.

### **Environmental Assessment**

#### *Identification of Proposed Action*

By letters dated August 25 and December 3, 1987, SCE advised the Commission of a proposed corporate restructuring which will result in SCE becoming a wholly-owned subsidiary of a newly-formed holding company. The holding company is referred to as "SCE Holding Company," although no formal name has yet been selected. Pursuant to the restructuring, SCE Holding Company would become the sole holder of SCE common stock and the current holders of SCE common stock would become holders of SCE Holding Company common stock on a share-for-share basis. SCE will remain as co-holder of the licenses for the three SONGS nuclear units. The Chairman of the SCE Board of Directors will continue in that capacity and will also serve as the Chairman of the Board of Directors for SCE Holding Company.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license, after notice to interested persons, upon the Commission's determination that the proposed transferee of a license is qualified to be holder of the license and the transfer of control is otherwise consistent with applicable provisions of law, regulation, and orders of the Commission. Notice of the proposed action was published in the **Federal Register** on December 9, 1987. (52 FR 46694.)

#### *The Need for the Proposed Action*

SCE stated that the purpose of the corporate restructuring is to more clearly separate SCE utility and non-utility businesses, thereby insulating utility ratepayers from any risks associated with unregulated ventures and facilitating state and federal regulatory review of utility operations. In addition, the proposed reorganization will enhance the ability of management to respond to non-utility business opportunities as they arise. This flexibility will improve the financial strength and stability of the overall corporation.

#### *Environmental Impact of Proposed Action*

The proposed corporate restructuring of SCE will not affect the management or operation of the SONGS units and will not reduce the funds available to carry out activities required by the SONGS Operating Licenses (e.g., the environmental protection programs). On

this basis, the Commission concludes that there are no significant radiological or non-radiological impacts associated with the proposed action.

### **Alternate Use of Resources**

This action involves no use of resources not previously considered in the Final Environmental Statements for the three SONGS units.

### *Agencies and Persons Consulted*

The Commission's staff reviewed the licensee's request in consultation with the California Public Utilities Commission.

### **Finding of no Significant Impact**

The Commission has determined not to prepare an environmental impact statement for the proposed action. Based on the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

Dated at Bethesda, Maryland, this 16th day of December, 1987.

George M. Knighton,

*Director, Project Directorate V, Division of  
Reactor Projects III, IV, V and Special  
Projects.*

[FR Doc. 87-29187 Filed 12-18-87; 8:45 am]

BILLING CODE 7590-01-M

### **Issuance of Director's Decision Regarding Agency Response to Chernobyl Accident**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a "Decision Pursuant to 10 CFR 2.206" concerning the petition dated May 1, 1987, filed by Mr. Thomas Carpenter on behalf of the Government Accountability Project (GAP) and others (Petitioners) requesting that the Commission take action on the basis of the accident that occurred at the Chernobyl nuclear reactor. Specifically, the Petitioners requested that the NRC suspend further licensing of nuclear facilities in the United States pending a study and report of the accident at the Chernobyl plant. Further, the Petitioners requested that the NRC (1) review the findings of the final report for the applicability of these findings to facilities licensed by the NRC, (2) request public comments on whether the record should be reopened to consider new issues raised in the final report that are material to any pending licensing proceeding or current license, and (3) evaluate the need for the corrective actions identified in the petition.

The Director, Office of Nuclear Reactor Regulation, has determined that the Petitioners' request that (1) the NRC complete a study and prepare a final report of the Chernobyl accident and (2) review the findings of the final report for applicability to currently licensed facilities or facilities under construction have, in effect, already been granted. The additional relief, beyond these items, sought by the Petitioners' request pursuant to 10 CFR 2.206 is denied. The reasons for this Decision are explained in the "Director's Decision Under 10 CFR 2.206," DD-87-21, which is available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, DC. A copy of the Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Bethesda, Maryland, this 15th day of December 1987.

For the Nuclear Regulatory Commission.

Thomas E. Murley,  
Director, Office of Nuclear Reactor  
Regulation.

[FR Doc. 87-29188 Filed 12-18-87; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Trade Policy Staff Committee; Review and Solicitation of Public Comment: International Trade Commission Public Report Assessing Economic Impact of Proposed Modifications of the List of Articles Eligible for Duty-Free Treatment Under the U.S. Generalized System of Preferences (GSP): 1987 Annual Review

As indicated in a previous notice of August 4 (52 FR 28896), the GSP Subcommittee of the Trade Policy Staff Committee hereby notifies interested parties of the opportunity to comment on the public version of the International Trade Commission (ITC) report assessing the domestic economic impact of proposed changes in the list of eligible items under the 1987 Annual Review of the Generalized System of Preferences. The report is available from the ITC by calling Louise Gillen at the Office of Industries at (202) 252-1296. The USITC is located at 500 E Street, NW., in Washington, DC. The report is also available for review by appointment at the GSP Information

Center, Office of the USTR in Washington, DC; the GSP Information Center can be contacted at (202) 395-6971.

All comments concerning the ITC report should be submitted in 20 copies, in English, to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, 600 17th Street, NW., Room 517, Washington, DC 20506. Comments must be received no later than close of business on Monday, January 11, 1987. Information submitted will be subject to public inspection by appointment with the staff of the GSP Information Center, except for information granted "business confidential" status pursuant to 15 CFR 2007.7. If the document contains business confidential information, twenty copies of a nonconfidential version of the submission along with twelve copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each and every page of the document. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each and every page (either "public version" or "non-confidential").

Questions concerning the comment period or any other aspect of the GSP program may be directed to the GSP Information Center at (202) 395-6971.

Donald M. Phillips,

Chairman, Trade Policy Staff Committee.

[FR Doc. 87-29238 Filed 12-18-87; 8:45 am]

BILLING CODE 3190-01-M

## SECURITIES AND EXCHANGE COMMISSION

[File No. 22-17311]

### Application and Opportunity for Hearing; M.D.C. Asset Investors Funding Corp.

December 15, 1987.

Notice is hereby given that M.D.C. Asset Investors Funding Corporation ("the Company") has filed an application ("Application"), pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter sometimes referred to as the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Bankers Trust Company (the "Trustee") under an Indenture, as amended, dated August 1, 1987, providing for the issuance of mortgage collateralized bonds ("Bonds") in series ("Series"), by the Company and either Bankers Trust Company, Security

Pacific National Bank or such other entity identified as such in the indenture supplements, with respect to each such Series of Bonds ("Indenture Supplements"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under the aforementioned indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor. The Company alleges that:

1. Each Series of Bonds is secured by the pledge of collateral by the Company to the Trustee under such Indenture and Indenture Supplements. A default under the Indenture or Indenture Supplement for any Series of Bonds does not cause a default under the Indenture or Indenture Supplement for any other Series of Bonds.

2. Each Series of Bonds is secured by collateral which includes, *inter alia*, various mortgage-backed certificates, mortgage participation certificates, conventional mortgage loans and other mortgage loans secured by mortgages or deeds of trust on single-family residences ("Mortgage Loans"). The Application relates only to the trusteeship under the Indenture and Indenture Supplements with respect to Series of Bonds secured by mortgage collateral consisting in whole or in part of Mortgage Loans.

3. The Company intends to purchase certain general coverage insurance policies or performance bonds (such as pool insurance policies, special hazard insurance policies, mortgagor bankruptcy bonds, repurchase bonds, and performance bonds, hereinafter "General Coverage Policies") providing coverage for more than one Series of Bonds in the circumstances where the Indenture and Indenture Supplements with respect to each Series of Bonds would be under the trusteeship of the same Trustee, subject to the requirement that any such utilization will not result in a downgrading of the rating of the Bonds of any such Series by any rating agency rating such Bonds.

4. With respect to the General Coverage Policies, a servicer or master servicer rather than the Trustee generally will be required to present, or to cause to be presented, claims to the respective issuers of the pool insurance policy, the special hazard insurance policy and the mortgagor bankruptcy insurance. The Trustee's relationship with such policies will be limited to (i) physical custody of such insurance policies or performance bonds because they constitute part of the trust estate pledged to secure a Series of Bonds and (ii) the succession to the rights and powers of the master servicer pursuant to the terms of the master servicing agreement until a new master servicer is appointed. The Trustee will be primarily responsible for the presentation of claims under only two of the General Coverage Policies, specifically the Repurchase Bonds and the Performance Bonds.

5. In the event that General Coverage Policies are utilized to provide coverage for more than one Series of Bonds, the bondholders of each such Series of Bonds would rank *pari passu* with respect to their right to such General Coverage Policies. The Trustee, or the master servicer, as applicable, would be required either to pay such claim from amounts held or present such claim to the issuer of the policy for payment in the order in which such claim was received and under a mandatory tie-breaker system with respect to the receipt of more than one claim on the same day any one of which claims would exhaust the coverage under such General Coverage Policy.

6. The administrative efforts and expense, and the premium costs, of providing separate General Coverage Policies for each Series of Bonds is enormous and unduly burdensome both on the part of the Applicant and the issuers of such General Coverage Policies and it has become difficult to obtain General Coverage Policies for single Series Bonds. To the extent that an issuer is willing to issue a General Coverage Policy, such issuers has expressed a strong desire that any such General Coverage Policy be utilized to provide coverage for more than one Series of Bonds. To the extent that an issuer is unwilling to issue a General Coverage Policy for a Series of Bonds, the Applicant is required to make substantial cash or cash equivalent deposits partially or entirely in lieu thereof into an account or fund in order to satisfy the rating agency requirements for such Series Bonds.

7. The public interest is not well served by a requirement that results in

the procurement of separate General Coverage Policies for each Series of Bonds since it is costly, economically inefficient and unduly burdensome to both the Applicant and the issuers of such General Coverage Policies and, ultimately, the purchasers of the Bonds. Additionally, the requirement of separate General Coverage Policies for each Series of Bonds is unnecessary for the protection of investors in that (i) the Indenture and Indenture Supplements will be structured to prevent the Trustee from being in a conflict situation as between different Series of Bonds, (ii) the statutory conflict-of-interest provisions will remain in full force in the Indenture in the event that a conflict situation ever arises, (iii) the trust estate with respect to each Series of Bonds structured as contemplated by the Application will initially have access to an amount of coverage under the General Coverage Policies at least equal to, or in most cases greater than, the coverage that would have been provided had separate General Coverage Policies been issued, and (iv) the rating agencies have revised their standards to allow the use of General Coverage Policies as contemplated by the Application while continuing to assign such Series of Bonds their highest credit rating. The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rule of Practice of the Commission in connection with this matter.

For detailed statement of the matters of fact and law asserted, all persons are referred to the Application as amended, which is on file at the office of the Commission in the Public Reference Room, File Number 22-17311, 450 Fifth Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than January 11, 1988, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, 20549.

At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission. For the Commission, by

the Division of Corporation Finance, pursuant to delegated authority.

Johathan G. Katz,  
Secretary.

[FR Doc. 87-29173 Filed 12-18-87; 8:45 am]  
BILING CODE 8010-M

[Release No. 34-25201; File No. SR-NYSE-87-44]

**Self-Regulatory Organizations; of Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Auxiliary Closing Procedures for Orders Relating to Expiring Stock Index Contracts**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 14, 1987, the New York Stock Exchange ("NYSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change adds auxiliary closing procedures for assisting in handling the order flow associated with the concurrent expiration of stock index futures, stock index options and options on stock index futures on December 18, 1987. It specifies procedures substantively identical to those used on September 18, 1987 and on several earlier expiration Fridays. Only the dates and the list of pilot stocks (due to name changes and the substitution of stocks as a consequence of changes in market weighting) has changed.

Specifically, the auxiliary procedures provide that market-at-the-close stock orders in 50 pilot stocks relating to index arbitrage positions must be received by 3:30 p.m. on December 18. The Exchange will promptly disseminate the size of substantial market order imbalances (50,000 shares or more) as of 3:30 in the pilot stocks. The procedures also ban entry of market-at-the-close orders in the pilot stocks after 3:30 p.m. unless orders (A) offset the imbalances and (B) are not for the purpose of liquidating an index arbitrage position.

The Exchange characterizes the proposed rule change as a Rule of the Board of Directors of the Exchange. The

proposed rule change supersedes all other Exchange rules and policies inconsistent with it.

## **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

### **A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

1. *Purpose*—The purpose of the proposed rule change is to comply with the request of the Commission that the Exchange repeat the June 19 closing procedures on September 18 and on subsequent concurrent expirations of stock index futures, stock index options and options on stock index futures. (See letter to Robert J. Birnbaum, President, NYSE, from Richard G. Ketchum, Director, SEC, dated September 16, 1987. The proposed rule change will make the procedures a rule of the Exchange.

2. *Statutory Basis*—The basis under the 1934 Act for the proposed rule change is section 6(b)(5), which requires that rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

### **B. Self-Regulatory Organization's Statement on Burden on Competition**

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

### **C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others**

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

## **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the 1934 Act. Confirmation to the industry of the Exchange's intention to comply with the Commission's request that the Exchange repeat the closing procedures specified by the proposed rule change should occur as soon as possible to permit investors and firms to plan accordingly. Moreover, the procedures contain no substantive changes from the procedures used on previous expiration Fridays. Accordingly, the Exchange seeks action by the Commission in time to permit notification of interested parties well in advance of the December 18 expiration.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder. The market-on-close procedures described herein have been utilized on the prior five Expiration Fridays (the quarterly expiration when stock index futures, stock index options and options on stock index futures have simultaneous expirations). These procedures were part of efforts by the Commission and the self-regulatory organizations to address stock market volatility that has been associated with certain index arbitrage trading strategies on Expiration Fridays. By requiring submission of market-at-close orders early and disseminating imbalances, the NYSE could attract contra-side interest to alleviate imbalances caused by the closing of index arbitrage positions. The procedures have proven to be operational successes, and have significantly contributed to the smooth handling of the increased order flow associated with these expirations.

The Commission finds good cause for approving this rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the Commission desires to notify market participants as soon as possible of the Exchange's intention to repeat these procedures on the upcoming December 18, 1987 expiration. Moreover, the procedures contain no substantive changes from the procedures utilized by the NYSE on September 18 and several earlier Expiration Fridays.

## **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that maybe withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the NYSE. All submissions should refer to the file number in the caption above and should be submitted by January 11, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

Dated: December 16, 1987.  
[FR Doc. 87-29199 Filed 12-18-87; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 34-25202; File No. SR-NYSE-87-43]

## **Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Auxiliary Opening Procedures for Orders Relating to Expiring Stock Index Contracts**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 14, 1987, the New York Stock Exchange ("NYSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change adds auxiliary opening procedures for assisting in handling the order flow associated with the concurrent expiration of stock index futures, stock index options and options on stock index futures on December 18, 1987. It specifies procedures identical to those used on June 19, 1987 (SR-NYSE-87-17; Release No. 34-24596 (June 16, 1987)) and September 18, 1987 (SR-NYSE-87-30; Release No. 34-24916 (September 11, 1987)). Only the dates and the list of pilot stocks (due to name changes and the substitution of stocks as a consequence of changes in market weighting) have changed.

Specifically, the auxiliary procedures provide that stock orders relating to opening-price settling contracts must be received by 9:00 a.m. on December 18. The Exchange will promptly disseminate the size of substantial market order imbalances (50,000 shares or more) as at 9:00 in 50 pilot stocks.

The Exchange will make SuperDot available to accept orders at 7:30. The Exchange will also raise the order size eligibility for the Opening Automation Reporting Service ("OARS") to 30,099 shares—in effect, raising SuperDot's pre-opening order size parameters. The procedures confine orders relating to opening-price settling contracts to market orders and require them to be appropriately identified. The procedures also ban "limit-at-the-opening" orders and apply on December 18 the reduced waiting periods for second and subsequent price indications that the Commission recently approved.<sup>1</sup>

The Exchange characterizes the proposed rule change as a Rule of the Board of Directors of the Exchange. The proposed rule change supersedes all Exchange rules and policies inconsistent with it.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B, and C below.

#### **A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

**1. Purpose**—The purpose of the proposed rule change is to establish procedures to augment the NYSE's regular opening procedures on December 18, 1987. The auxiliary procedures will assist in integrating stock orders relating to expiring contracts into the Exchange's opening procedures in a manner that will assure an efficient market opening in each stock as close to 9:30 a.m. as possible.

The Exchange believes that settling index contracts based upon the opening prices of the constituent stocks, and thereby permitting use of the Exchange's time-tested opening procedures, provides the best mechanism for handling the accompanying stock volume. Earlier this year, the Exchange, the Chicago Mercantile Exchange, Inc. and the New York Futures Exchange, Inc. altered or added index contracts specifying that settlement pricing will occur based upon the opening prices on expiration Fridays. They also have provided that trading in opening-price settling contracts will cease at the close on the preceding day. The Exchange anticipates that these changes will divert to the opening approximately 75 percent of the stock order flow related to expiring index contracts. The proposed rule change establishes auxiliary procedures to help accommodate the diverted order flow.

The special dissemination of a picture of substantial market order imbalances in the 50 pilot stocks as of 9:00 will provide off-Floor participants with a picture of the unique impact of the index-related orders, and will allow ample opportunity for them to react to it. Because the regular opening procedures will otherwise operate, an off-Floor participant will, as always, be able to obtain a minute-to-minute Floor picture through his Floor broker. Similarly, the pre-opening application of the ITS Plan will be in effect. Moreover, if it becomes evident that a significant change from the preceding day's closing price is in the offing, the specialist can, with the approval of a Floor Official, disseminate regular price indications over the tape as needed.

The particular purposes of several of the procedures deserves elaboration.

**9:00 Cut-Off.** The 9:00 cut-off for entry of stock orders relating to opening-price settling contracts assures that the upper limit of the order flow created by unwinding index-related positions is known at 9:00. The specialist can retrieve the orders in OARS at 9:00 and

combine them with the manual orders, creating a complete picture of all the orders. If the picture shows an imbalance of 50,000 shares or more, he will notify off-Floor participants of the imbalance within the first several minutes after 9:00. This allows a half hour or more to react.

**Preclusion of Limit-at-the-Opening Orders.** Preclusion of limit-at-the-opening orders simplifies the specialist's task in opening his market. These orders cannot be entered into the electronic display book. Consequently, their acceptance would complicate the specialist's task by requiring him to keep a separate, manual tally. Customers are free to enter regular limit orders.

**Applicability of Revised Price Indications Waiting Period.** SR-NYSE-87-14, noted above, describes the purpose of reducing the waiting period following second and subsequent price indications.

**2. Statutory Basis**—The basis under the 1934 Act for the proposed rule change is section 6(b)(5), which requires that rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

#### **B. Self-Regulatory Organization's Statement on Burden on Competition**

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

#### **C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others**

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange created an ad hoc Expiration Procedures Committee consisting of its Floor Directors, other representatives from the Floor, upstairs traders and institutional brokers. The proposed rule change reflects the consensus reached by the committee. The Exchange received no written comments following either the June expiration or the September expiration concerning the procedures.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange requests that the proposed rule change be given

<sup>1</sup> SR-NYSE-87-14 (Release No. 34-24880 (September 4, 1987)).

accelerated effectiveness pursuant to section 19(b)(2) of the 1934 Act. Confirmation to the industry of the Exchange's intention to repeat the June 19 and September 18 procedures should occur as soon as possible to permit investors and firms to plan accordingly. Moreover, the procedures contain no substantive changes from the June 19 and September 18 procedures, on which there has been ample opportunity for comment. Accordingly, the Exchange seeks action by the Commission in time to permit notification of interested parties well in advance of the December 18 exemption.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder. The Commission believes that basing the settlement of index products on opening, as opposed to closing prices, on December 18 may help to accommodate index-related share volume. The proposed auxiliary procedures are intended to ensure that the Exchange may efficiently process sizable order flow at the open. The Commission believes that these procedures should work to reduce order imbalances at the open, and thus dampen potential volatility. In this regard, the procedures worked well during the June and September expirations and the December expiration should provide the Commission with another opportunity to assess whether these procedures are sufficient in dampening expiration volatility at the opening, or whether additional measures are necessary.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change will enable the Exchange to quickly implement and notify market participants about procedures that it believes will appropriately address any index-related heightened share volume at the open on December 18, 1987.

#### IV. Solicitations of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed

with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 11, 1988.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

Dated: December 16, 1987.  
[FR Doc. 87-29200 Filed 12-18-87; 8:45 am]  
BILLING CODE 8010-01-M

#### SMALL BUSINESS ADMINISTRATION

##### [Declaration of Disaster Loan Area #2299]

##### Declaration of Disaster Loan Area; Pennsylvania

The City of Williamsport, Lycoming County, in the State of Pennsylvania constitutes a disaster area because of damage from a fire which occurred on December 6, 1987. Applications for loans for physical damage may be filed until the close of business on February 15, 1988, and for economic injury until the close of business on September 16, 1988, at the address listed below: Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Fl., Atlanta, Georgia 30308, or other locally announced locations.

The interest rates are:

	Percent
Homeowners With Credit Available Elsewhere .....	8.000
Homeowners Without Credit Available Elsewhere .....	4.000
Businesses With Credit Available Elsewhere .....	8.000
Businesses Without Credit Available Elsewhere .....	4.000
Businesses (EIDL) Without Credit Available Elsewhere .....	4.000
Other (Non-profit Organizations Including Charitable and Religious Organizations) .....	9.000

The number assigned to this disaster is 229905 for physical damage and for economic injury the number is 658200.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: December 16, 1987.

James Abdnor,  
Administrator.

[FR Doc. 87-29197 Filed 12-18-87; 8:45 am]  
BILLING CODE 8025-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Office of the Secretary

[(Order 87-12-36), Docket 45127]

##### Application of Pan Am Express, Inc., For Certificate

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Notice of order to show cause.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Pan Am Express, Inc., fit and awarding it a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation.

**DATE:** Persons wishing to file objections should do so no later than December 30, 1987.

**ADDRESSES:** Objections and answers should be filed in Docket 45127 and addressed to the Documentary Services Division, Department of Transportation, 400 7th Street SW., Room 4107, Washington, DC, 20590, and should be served on the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Janet A. Davis, Air Carrier Fitness Division, P-56, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366-2341.

Dated: December 14, 1987.

Matthew V. Scocozza,  
Assistant Secretary for Policy and International Affairs.  
[FR Doc. 87-29144 Filed 12-18-87; 8:45 am]  
BILLING CODE 4910-82-M

[Order 87-12-35, Docket No. 45122]

##### Application of Taquan Air Service, Inc., For Certificate

**AGENCY:** Department of Transportation.

**ACTION:** Notice of order to show cause.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Taquan Air Service, Inc., fit and awarding it a certificate of public convenience and

necessity to engage in interstate and overseas scheduled air transportation.

**DATE:** Persons wishing to file objections should do so no later than December 30, 1987.

**ADDRESS:** Objections and answers should be filed in Docket 45122 and addressed to the Documentary Services Division (C-55, Room 4107), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590 and should be served upon parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy A. Lusby, Air Carrier Fitness Division (P-56, Room 6420), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366-2337.

Dated: December 14, 1987.

Matthew V. Scocozza,  
Assistant Secretary for Policy and  
International Affairs.

[FR Doc. 87-29145 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-62-M

#### Aviation Proceedings; Agreements Filed During the Week Ending December 11, 1987

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

##### Docket No. 45338

**Parties:** Members of International Air Transport Association

**Date Filed:** December 07, 1987

**Subject:** So. Pacific Excursion Fares Seasonality

**Proposed Effective Date:** April 1, 1988

##### Docket No. 45339 R-1—R-3

**Parties:** Members of International Air Transport Association

**Date Filed:** December 07, 1987

**Subject:** Adjusting Lebanese Currency  
**Proposed Effective Date:** December 15, 1987/February 1, 1988

##### Docket No. 45345

**Parties:** Members of International Air Transport Association

**Date Filed:** December 08, 1987

**Subject:** Amendments to Provisions for Conduct of Traffic Confs  
**Proposed Effective Date:** To C-20 for action

##### Docket No. 45352

**Parties:** The Fidelity Funds and Fidelity Management & Research Company  
**Date Filed:** December 9, 1987

**Subject:** Application of the Fidelity Funds and Fidelity Management Trust

Company pursuant to 14 CFR 303.54 request an exemption from 49 U.S.C. section 1378(a)(5) and (6), to the extent necessary to allow the Funds and Fidelity Trust, to own up to 20 percent of the outstanding voting securities of more than one air carrier or other issuer the ownership of which is restricted by sections 1378(a)(5) and (6).

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-29139 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-62-M

#### Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed During the Week Ending December 11, 1987

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

##### Docket No. 45336

**Date Filed:** December 7, 1987

**Due Date for Answers, Conforming Applications, or Motion to Modify Scope:** January 4, 1988

**Description:** Application of International, S.A. pursuant to section 402 of the Act and Subpart Q of the Regulations requests a foreign air carrier permit to engage in scheduled and charter foreign air transportation of property and mail as follows: For the Dominican Republic via intermediate points as permitted to San Juan, Puerto Rico, Miami, Florida and/or New York, New York.

##### Docket No. 45348

**Date Filed:** December 8, 1987

**Due Date for Answers, Conforming Applications, or Motions to Modify Scope:** January 5, 1988

**Description:** Application of Haiti Trans Air, S.A. pursuant to section 402 of the Act and Subpart Q of the Regulations, applies for a foreign air carrier permit to engage in scheduled, non-scheduled and charter air transportation of persons, property and mail between points in Haiti, on the one

hand, and Miami, Florida, and New York, New York on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-29140 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-62-M

#### Coast Guard

[CGD 11-87-08]

#### Vessel Certificates and Exemptions Under the International Regulations for Preventing Collisions at Sea (72 COLREGS)

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of granting of certificates of alternative compliance to vessels.

**SUMMARY:** This notice lists the commercial vessel granted a Certificate of Alternative Compliance. The vessel which, due to its special construction and purpose, cannot comply fully with certain provisions of the International Regulations for Preventing Collisions at Sea (72 COLREGS) without interfering with the vessel's special functions. The intent of this notice is to allow the mariner to be aware of the listing of these commercial vessels that have been granted a Certificate of Alternative Compliance.

**EFFECTIVE DATE:** December 8, 1987.

**FOR FURTHER INFORMATION CONTACT:** LCDR F. L. McClain, Eleventh Coast Guard District Marine Safety Division, Union Bank Building Suite 709, 400 Oceangate, Long Beach, CA 90822. Telephone (213) 499-5330.

**SUPPLEMENTARY INFORMATION:** Under the provisions of subsection 1605(c) of Title 33 United States Code, the Coast Guard publishes, in the **Federal Register**, a listing of vessels granted Certificates of Alternative Compliance. Certificates of Alternative Compliance are based on a determination that a vessel cannot comply fully with International Rules of light(s), shape(s), and sound signal provisions without interference with the vessel's special function. The alternative allowed results in the closest possible compliance with Annex I of the 72 COLREGS. These vessels are incapable of complying with the 72 COLREGS light provisions. The following commercial vessel is not in compliance with the 72 COLREGS and has been issued a Certificate of Alternative Compliance.

#### Vessel and Official Number

The following vessel's sidelights are forward of the masthead light:

M/V RIG ENGINEER.....507458

Dated: December 16, 1987.

A. Bruce Beran,

*Rear Admiral, U.S. Coast Guard Commander,  
Eleventh Coast Guard District.*

[FR Doc. 87-29209 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-14-M

## Federal Aviation Administration

[File Nos. FAA P-8110-2 and AC 21.17-1]

### Advisory Circular Availability; Airship Design Criteria

**AGENCY:** Federal Aviation Administration (FAA). DOT.

**ACTION:** Notice of Availability of Federal Aviation Administration Report Number FAA P-8110-2, "Airship Design Criteria," and Advisory Circular No. 21.17-1, "Type Certification—Airships"

**SUMMARY:** Federal Aviation Administration Report Number FAA P-8110-2, "Airship Design Criteria," issued November 2, 1987, provides acceptable airworthiness requirements for the type certification of conventional, near equilibrium, nonrigid airships. These Airship Design Criteria are referenced in Advisory Circular (AC) No. 21.17-1, "Type Certification—Airships" dated September 30, 1987, as an acceptable means, but not the only means, for the type certification of conventional, nonrigid airships. AC No. 21.17-1 also provides general guidance relative to airship type certification.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lyle C. Davis, Aerospace Engineer, Policy and Procedures Branch, AWS-110, Telephone (202) 267-9583.

**SUPPLEMENTARY INFORMATION:** Federal Aviation Regulations (FAR) 21 was amended effective April 13, 1987, to provide procedures for the type certification and airworthiness certification of special classes of aircraft. Special classes of aircraft include gliders (including self-launching gliders), airships, and other kinds of aircraft that would be eligible for a standard airworthiness certification but for which no airworthiness standards have as yet been established as a separate part of subchapter C of the FAR. Airworthiness standards for these special classes of aircraft are designated in new FAR 21.17(b).

The FAA airship design criteria are contained in FAA document FAA P-8110-2 titled "Airship Design Criteria" dated November 2, 1987. This report contains the design requirements necessary to provide an equivalent level of safety to that prescribed in FAR 21.17(b) for special classes of aircraft. These criteria provide an acceptable

certification basis for airships certificated in the normal category that have a passenger seating configuration, excluding pilot seats, of nine seats or less. For airships containing larger numbers of passengers, these criteria would require further consideration. These Airship Design Criteria are referenced in Advisory Circular (AC) No. 21.17-1, "Type Certification—Airships," dated September 30, 1987, as an acceptable means for the type certification of conventional, nonrigid airships.

AC No. 21.17-1 describes two acceptable criteria, but not the only means, for the type certification of airships that may be used by an applicant in showing compliance with new § 21.17(b) of Part 21 of the FAR. This AC also provides procedures and additional criteria necessary to obtain a U.S. type certificate for airships. Procedures are provided for other persons to develop and obtain FAA approval for their own design criteria, which may utilize all or part of the criteria specified in FAA P-8110-2.

Both the criteria specified in FAA P-8110-2 and the AC are helpful documents for persons interested in obtaining a U.S. type certificate for an airship. These criteria may be revised as the need arises. As experience is gained with U.S. airship certification programs, the FAA may consider establishing airship airworthiness standards as a separate part of the FAR.

### How To Obtain Copies

Copies of FAA P-8110-2, "Airship Design Criteria" and AC No. 21.17-1, "Type Certification—Airships" may be obtained by contacting the U.S. Department of Transportation, Utilization and Storage Section, M-443.2, Room 2314, Nassif Building, Washington, DC 20590.

Issued in Washington, DC, on December 10, 1987.

Thomas E. McSweeney,

*Manager, Aircraft Engineering Division,  
Office of Airworthiness.*

[FR Doc. 87-29176 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

### Intent To Prepare Environmental Impact Statement; Halls Crossing, UT

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FAA, acting as lead agency, is issuing this notice public that Draft and Final Environmental Impact Statements (EIS) will be prepared for

the siting and development of a new airport near Halls Crossing, Utah.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Barbara Johnson, Federal Aviation Administration, Airports District Office, 10455 East 25th Avenue, Suite 301, Aurora, CO 80010. Telephone: (303) 340-5527.

### SUPPLEMENTARY INFORMATION:

#### Proposed Action and Alternatives

The proposed action is the siting and development of a General Utility Stage I Airport near Halls Crossing, Utah. The new airport would be designed to accommodate aircraft of 12,500 or less. Potential alternatives to be evaluated include:

- a. A new airport on Glen Canyon National Recreational Area in the vicinity of Halls Crossing, Utah.
- b. A new airport off Glen Canyon National Recreation Area land on Bureau of Land Management land in the vicinity of Halls Crossing, Utah.
- c. No-Build (continue using existing dirt airstrip at Halls Crossing as is).
- d. Other reasonable and prudent alternatives which have potential.

An informational packet on the proposed action is available at the following locations:

FAA, Denver Airports District Office,  
10455 East 25th Avenue, Suite 301,  
Aurora, CO 80010  
National Park Service (NPS), Ranger  
Station, Halls Crossing, P.O. Box 5110,  
Lake Powell, Utah 84533  
National Park Service (NPS), District  
Office, Bullfrog, P.O. Box 4304, Lake  
Powell, Utah 84533  
Monticello Library, 66 North Main, P.O.  
Box 879, Monticello, Utah 84535  
Bureau of Land Management, Moab  
District Office, 82 East Dogwood, P.O.  
Box 970 Moab, Utah 84532  
Bureau of Land Management, San Juan  
Resource Area Office, 435 N. Main,  
Monticello, UT 84535  
San Juan County Courthouse, Attn: Rick  
Bailey, P.O. Box 9, 117 S. Main,  
Monticello, Utah 84535  
NPS Headquarters Building, 441 North  
Navajo Drive, P.O. Box 1057, Page,  
Arizona 86040

#### Scoping Process

In order to ensure that all significant issues related to the proposed action are identified, a public participation meeting (scoping meeting) will be held to receive public input regarding the issues which the public feels should be addressed in the EIS. The meeting will be held at the following time and place:

January 20, 1988, Wednesday, 7:00 p.m.,  
San Juan County Courthouse, 117 S.  
Main, Monticello, Utah

Letters containing environmental concerns must be received by January 30, 1988, at the Federal Aviation Administration, Airports District Office, 10455 East 25th Avenue, Aurora, CO 80010, in order to be given consideration. Letters should be to the attention of Mrs. Barbara Johnson.

*Approximate Release of Draft EIS:*  
June 1988.

*Approximate Release of Final EIS:*  
August 1988.

Issued in Seattle, Washington, December 15, 1987.

Edward G. Tatum,

Manager, Airports Division.

[FR Doc. 87-29177 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

## Flight Service Station Closure; Salina, KS

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that on January 2, 1988, the Flight Service Station at Salina, Kansas will be closed. Thereafter, services to the general public at Salina, Kansas, will be provided by the Flight Service Station at Wichita, Kansas.

This information will be reflected in the next issue of the FAA Organizational Statement.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Kansas City, Missouri, on December 7, 1987.

Clarence E. Newbern.

Assistant Manager, Air Traffic Division.

[FR Doc. 87-29150 Filed 12-18-87; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Art Advisory Panel; Closed Meeting

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of closed meeting of Art Advisory Panel.

**SUMMARY:** Closed meeting of the Art Advisory Panel will be held in Washington, DC.

**DATE:** The meeting will be held January 13, 1988.

#### FOR FURTHER INFORMATION CONTACT:

Karen Carolan, CC:AP:V, 1111 Constitution Avenue NW., Room 2575, Washington, DC 20224, Telephone No. (202) 566-9259 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), that a closed meeting of the Art Advisory Panel will be held on January 13 in Room 3029 beginning at 9:30 a.m., Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meeting will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the *Federal Register* for Wednesday, November 8, 1978. (43 FR 52122.)

Lawrence B. Gibbs,

Commissioner.

[FR Doc. 87-29196 Filed 12-18-87; 8:45 am]

BILLING CODE 4830-01-M

## UNITED STATES INFORMATION AGENCY

### Grants Program for Private Non-Foreign Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The program is designed to increase mutual understanding between the people of the U.S. and other countries and to strengthen the ties which unite our

societies. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private, Non-Profit Organizations in Support of International Educational and Cultural Activities," announced in the *Federal Register* June 3, 1987.

Private sector organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

*A Security Affairs Workshop: The Role of Domestic Factors.* The Office of Private Sector Programs (E/P) will assist in supporting a four-day security affairs workshop for political leaders and policy analysts from the Atlantic Alliance. The program will compare security policies among four case-study countries (the United Kingdom, the United States, West Germany, and one other nation recommended by the grantee institution) with particular emphasis on examining the domestic factors which have contributed to the formulation and/or acceptance of arms control and disarmament policies. Ideally, this workshop will take place in the United Kingdom or West Germany in May or June 1988. Participants will also include representatives from The Netherlands, Belgium, France, Spain, Portugal, Denmark and Italy.

USIA is most interested in working with organizations that show promise for innovative and cost-effective programming; and with organizations that have potential for obtaining private-sector funding in addition to USIA support. Organizations must have the substantive expertise and logistical capability needed to successfully develop and conduct the above project and should also demonstrate a potential for designing programs which will have a lasting impact on their participants.

Interested organizations should submit a request for complete application materials—postmarked no later than fifteen days from the date of this notice—to the address listed below. The Office of Private Sector Programs will then forward a set of materials which contains proposal guidelines.

Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (ATTN: Initiative Programs) United States Information Agency, 301 4th Street SW., Washington, DC 20547.

Dated: December 4, 1987.

Robert Francis Smith,

Director, Office of Private Sector Programs.

[FR Doc. 87-29133 Filed 12-18-87; 8:45 am]

BILLING CODE 8230-01-M

# Sunshine Act Meetings

Federal Register

Vol. 52, No. 244

Monday, December 21, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:05 a.m. on Tuesday, December 15, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider: (1) Matters relating to the possible failure of certain insured banks; and (2) requests for financial assistance, pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by

Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 16, 1987.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

*Deputy Executive Secretary.*

[FR Doc. 87-29260 Filed 12-17-87; 1:29 pm]

BILLING CODE 6714-01-M

## INTERSTATE COMMERCE COMMISSION

**TIME AND DATE:** 10:00 a.m., Tuesday, December 22, 1987.

**PLACE:** Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

**STATUS:** Short Notice of Open Special Conference.

**PURPOSE:** The purpose of the conference is for the Commission to discuss among themselves, and to vote on, the agenda item. Although the conference is open for public observation, no public participation is permitted.

### MATTER TO BE DISCUSSED:

Finance Docket No. 30555—*Northwestern Pacific Acquiring Corporation and Eureka Southern Railroad Company—Exemption From 49 U.S.C. 10901 and 11301.*

### CONTACT PERSON FOR MORE

**INFORMATION:** Alvin H. Brown, Office of Government and Public Affairs  
Telephone: (202) 275-7252.

Noreta R. McGee,

*Secretary.*

[FR Doc. 87-29268 Filed 12-17-87; 3:24 pm]

BILLING CODE 7035-01-M

# Corrections

Federal Register

Vol. 52, No. 244

Monday, December 21, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 611 and 675

[Docket No. 70878-7250]

#### Foreign Fishing; Groundfish of the Bering Sea and Aleutian Island Area

##### Correction

In rule document 87-27787 beginning on page 45966 in the issue of Thursday, December 3, 1987, make the following correction:

On page 45966, in the third column, under **EFFECTIVE DATES**, in the second line, "January 4, 1988" should read "December 30, 1987."

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Health Service

#### 42 CFR Part 124

#### Medical Facility Construction and Modernization; Requirements for Provision of Services to Persons Unable To Pay

##### Correction

In rule document 87-27316 beginning on page 46022 in the issue of Thursday, December 3, 1987, make the following corrections:

1. On page 46027, in the third column, in the seventh line, the first section reference should read "124.511(b)(1)(i)".

2. On page 46028, in the second column, in footnote 2, in the next to the last line, the citation should read "291c(e)(1)".

3. On page 46029, in the first column, in the eighth line, the section reference should read "§ 124.511(b)(1)(iii)(A)".

4. On the same page, in the second column, in the 29th line, "faor" should read "for".

5. On the same page, in the third column, in the first complete paragraph, in the fourth line, "an" should read "any".

6. On the same page, in the same column, in the last paragraph, in the fourth line, "oif" should read "of".

7. On page 46030, in the first column, in the first complete paragraph, in the fifth line, "for" should read "from".

8. On the same page, in the same column, in the last paragraph, in the 13th line, "facilities" should read "facility".

9. On the same page, in the second column, in the first paragraph, in the 13th line, "obligations" should read "obligation".

10. On the same page, in the third column, in the eighth line, "base levels" should read "base compliance levels".

11. On the same page, in the same column, in the first complete paragraph, in the 13th line, "prescribed" should read "prescribe"; in the 30th line, "obligation" should read "alternative"; and in the 39th line, "this" should read "thus".

12. On page 46031, in the first column, in the 14th line, "they provide" should read "they must provide".

13. On the same page, in the third column, in the ninth line, "Federal Register" should read "the Federal Register".

#### § 124.502 [Corrected]

14. On page 46032, in the third column, in § 124.502(m)(2), in the 20th line, "of" should read "or".

#### § 124.503 [Corrected]

15. On page 46033, in the first column, in § 124.503(b)(3)(ii), in the first line, "of justifiable" should read "of a justifiable".

#### § 124.507 [Corrected]

16. On page 46035, in the first column, in § 124.507, in paragraph (b)(2)(i)(B), in the first line "apply" was misspelled, and in the fourth line, "upon application" should read "upon proper application"; in paragraph (b)(2)(iii), in the fourth line, "will be" should read "will not be"; and in paragraph (c)(2), in the first line, "Preservice" should read "Postservice".

#### § 124.509 [Corrected]

17. On page 46036, in the first column, in § 124.509(d), in the second line, the section reference should read "§ 124.515".

#### § 124.510 [Corrected]

18. On the same page, in the second column, in § 124.510(b), in the 14th line, the OMB control number should read "0915-0103".

#### § 124.511 [Corrected]

19. On the same page, in the second column, in § 124.511, in paragraph (a) introductory text, in the first line, "that" should read "that a"; in paragraph (a)(1)(iv), in the second line, "complainants" should read "complainant"; and in paragraph (a)(3), in the 12th line, "with applicable" should read "with the applicable".

20. On the same page, in the third column, in § 124.511(b)(1)(iii), in the sixth line, "establish" should read "eligible".

#### § 124.513 [Corrected]

21. On page 46038, in the first column, in § 124.513(d)(2)(i)(B), in the fourth line, "of each" should read "for each".

#### § 124.514 [Corrected]

22. On the same page, in the third column, in § 124.514(d), in the next to the last line, "on" should read "or".

#### § 124.515 [Corrected]

23. On the same page, in the same column, in § 124.515(a), in the 12th line, "with requirements" should read "with the requirements".

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-943-08-4220-11; N-6029, Nev-051786]

#### Proposed Continuation and Modification of Withdrawals; Nevada

##### Correction

In notice document 87-26311 beginning on page 43683 in the issue of Friday, November 13, 1987, make the following corrections:

1. On page 43683, in the third column, under **DATE**, the second line should read "February 11, 1988".

2. On the same page, in the same column, under **Mount Diablo Meridian**, the fifth line should read: "SW  $\frac{1}{4}$ NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , N  $\frac{1}{2}$ NW  $\frac{1}{4}$ SW  $\frac{1}{4}$ NE  $\frac{1}{4}$ ,"; and the 10th line should read: "NE  $\frac{1}{4}$ SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ NW  $\frac{1}{4}$ , N  $\frac{1}{2}$ SE  $\frac{1}{4}$ NW  $\frac{1}{4}$ ,".

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AZ-040-08-4212-12; A 9603; A23098]

#### **Realty Action; Designation of Public Lands to be Included in State Exchange in Cochise, Pinal, Graham, and Greenlee Counties, AZ; Cancellation of Segregation of Public Land in Cochise County**

##### *Correction*

In notice document 87-27937 appearing on page 46425 in the issue of Monday, December 7, 1987, commas should be removed in the following places:

- a. Under T. 7 S., R. 16 E., Sec. 14, after "SW  $\frac{1}{4}$ ".
- b. Under T. 7 S., R. 17 E., Sec. 31, after "N  $\frac{1}{2}$ ".
- c. Under T. 8 S., R. 17 E., Sec. 6, after "S  $\frac{1}{2}$ ", and Sec. 29, after "W  $\frac{1}{2}$ ".
- d. Under T. 9 S., R. 17 E., Sec. 24, after "S  $\frac{1}{2}$ ".
- e. Under T. 9 S., R. 18 E., Sec. 18, after "N  $\frac{1}{2}$ ", and Sec. 30, after "N  $\frac{1}{2}$ ".
- f. Under T. 11 S., R. 32 E., Sec. 3, after "S  $\frac{1}{2}$ ".
- g. Under T. 15 S., R. 22 E., Sec. 24, after the first "N  $\frac{1}{2}$ ", Sec. 29, after "S  $\frac{1}{2}$ " and Sec. 29 after the second "N  $\frac{1}{2}$ ".
- h. Under T. 16 S., R. 22 E., Sec. 4, after "N  $\frac{1}{2}$ ", Sec. 6, after "E  $\frac{1}{2}$ ", Sec. 8, after "N  $\frac{1}{2}$ ", Sec. 12, after "S  $\frac{1}{2}$ ", Sec. 18, after "N  $\frac{1}{2}$ ", and Sec. 21, after "W  $\frac{1}{2}$ ".

BILLING CODE 1505-01-D



**Executive Order**

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**Monday  
December 21, 1987**

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**Part II**

**Information Security  
Oversight Office**

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**32 CFR Part 2003**

**National Security Information Standard  
Forms; Final Rule**



**INFORMATION SECURITY OVERSIGHT  
OFFICE****32 CFR Part 2003****National Security Information  
Standard Forms**

**AGENCY:** Information Security Oversight  
Office (ISOO).

**ACTION:** Final rule.

**SUMMARY:** This is an amendment to 32 CFR 2003.20. In recent months, questions have been raised about the intended scope of the term "classifiable information," a term that has been used in the Standard Form 189, "Classified Information Nondisclosure Agreement," since it was first issued in September 1983. On August 3, and 11, 1987, ISOO published definitions of the term "classifiable information" in the *Federal Register*. These definitions were designed to clarify the meaning of this term and to demonstrate that it applies to a very narrow class of information. Subsequently, it has become evident that further clarification is desirable for purposes of alleviating concern and dispelling confusion about the actual scope of the nondisclosure obligation in regard to such information. Relevant explanatory information circulated by ISOO since August 1987 has proved useful in further clarifying the intended reach of the term "classifiable information." As a result, ISOO has determined that it would be desirable to amend its published definition to incorporate such further explanation. The revised definition does not change the substance of the term "classifiable information" in each executed nondisclosure agreement, but may, nevertheless, prove useful to a better understanding by affected employees of their nondisclosure obligations. While ISOO will include this definition in

future reprints of the Standard Form 189, it is intended to apply to all editions of the Form.

**EFFECTIVE DATE:** December 21, 1987.

**FOR FURTHER INFORMATION CONTACT:** Steven Garfinkel, Director, ISOO.  
Telephone: (202) 535-7251.

**SUPPLEMENTARY INFORMATION:** This amendment to 32 CFR Part 2003 is issued pursuant to section 5.2(b)(7) of Executive Order 12356.

**List of Subjects in 32 CFR Part 2003**

Classified information, Executive orders, Information, National security information, Security information.

32 CFR Part 2003 is amended as follows:

**PART 2003—NATIONAL SECURITY  
INFORMATION—STANDARD FORMS**

1. The authority citation for 32 CFR Part 2003 continues to read:

Authority: Sec. 5.2(b)(7) of E.O. 12356.

**Subpart B—Prescribed Forms**

2. Section 2003.20(h)(1) is revised to read as follows:

§ 2003.20 **Classified Information Nondisclosure Agreement: SF 189; Classified Information Nondisclosure Agreement (Industrial/Commercial/Non-Government): SF 189-A.**

\* \* \* \* \*

(h) \* \* \*

(1)(i) As used in paragraph 1 of SF 189, the term "classifiable information" refers to two categories of information only: (a) Unmarked *classified* information, including oral communications; and (b) *unclassified* information that meets the standards for classification and is in the process of a classification determination. "Classifiable information" does *not* refer to currently unclassified

information that may be subject to possible classification at some future date, but is not currently in the process of a classification determination. Therefore, the only circumstances under which a party to SF 189 might violate its terms by disclosing *unclassified* information are when a party knows, or reasonably should know, that such information is in the process of a classification determination and requires interim protection as provided in section 1.1(c) of Executive Order 12356 or any other statute of Executive order that requires interim protection for certain unclassified information while a classification determination is pending.

(ii) A party to SF 189 may be liable for disclosing "classifiable information" only if: (a) He or she knows that the unmarked information is classified, or meets the standards for classification and is in the process of a classification determination, whether the unauthorized disclosure is willful or negligent; or (b) he or she should know that the unmarked information is classified, or meets the standards for classification and is in the process of a classification determination, in which case the unauthorized disclosure is negligent. In no instance could a party to SF 189 be liable for violating its nondisclosure provisions by disclosing unmarked information when, at the time of the disclosure, there was no basis to suggest, other than pure speculation, that the information was classified or in the process of a classification determination.

\* \* \* \* \*

Dated: December 18, 1987.

Steven Garfinkel,  
Director, Information Security Oversight  
Office.

[FR Doc. 87-29152 Filed 12-18-87; 8:45 am]

BILLING CODE 6820-KC-M



**Final Report  
to the  
Department of  
Education**

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**Monday  
December 21, 1987**

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**Part III**

**Department of  
Education**

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**Office of Special Education and  
Rehabilitative Services**

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**Secondary Education and Transitional  
Services for Handicapped Youth  
Program; Notice of Final Annual Funding;  
Fiscal Year 1988**



**DEPARTMENT OF EDUCATION****Office of Special Education and Rehabilitative Services****Secondary Education and Transitional Services for Handicapped Youth Program****AGENCY:** Department of Education.**ACTION:** Notice of final annual funding priorities.

**SUMMARY:** The Secretary announces final annual funding priorities for the Secondary Education and Transitional Services for Handicapped Youth Program to ensure effective use of funds and to direct funds to areas of identified need during fiscal year 1988.

**EFFECTIVE DATE:** These final funding priorities take effect either 45 days after publication in the *Federal Register* or later if Congress takes certain adjournments. If you want to know the effective date of these annual funding priorities, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Edward Wilson, Secondary Education and Transitional Services Branch, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3096—M/S 2313), Washington, DC 20202. Telephone: (202) 732-1121.

**SUPPLEMENTARY INFORMATION:** The Secondary Education and Transitional Services for Handicapped Youth Program is authorized by section 626 of Part C of the Education of the Handicapped Act (20 U.S.C. 1425), as amended by Pub. L. 99-457. This program supports research, development, demonstration, evaluation, and other types of projects that: (1) Strengthen and coordinate activities to assist in the transition to postsecondary education, vocational training, competitive employment, continuing education, or adult services for handicapped youth; (2) stimulate the improvement and development of programs for secondary special education; and (3) stimulate the improvement of the vocational and life

skills of handicapped students to enable them to be better prepared for transition to adult life and services.

These final annual funding priorities target: (1) Projects for youth with severe handicaps to be prepared for and placed in supported work prior to their leaving school, and (2) projects to improve existing tracking systems for youth who complete or leave secondary education and to improve secondary education practices based on continued analysis of outcome data.

**Summary of Comment and Response**

A notice of proposed annual funding priorities was published in the *Federal Register* on September 10, 1987 (52 FR 34370). The public was given thirty days in which to comment. One comment was received from a professional organization in response to the notice of proposed annual funding priorities. The comment and the Department's response are summarized below:

**Comment:** One commenter expressed concern that projects funded under Priority (1), "Training and employment models for youth with severe handicaps" would be limited if focused only on severely handicapped youth and if supported employment models were the only outcome desired.

**Response:** No change has been made. This priority has been designed to develop school-based models for preparing and placing severely handicapped youth in supported employment. This priority is intended to stimulate the development of an educational option that is not generally made available by public schools.

**Priorities**

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary will give an absolute preference to applications addressing the following priorities:

**(a) Priority 1: Training and Employment Models For Youth With Severe Handicaps**

This priority supports school and community based projects for youth

with severe handicaps to be prepared for and placed in supported work prior to leaving school. Models funded under this competition are expected to emphasize the following: (1) Collaboration with employers and measurement of employer satisfaction; (2) program evaluation with outcome measures to determine initial and continuing employment status; (3) working relationships between education agencies and supported work efforts at the State and/or local level; and (4) working partnerships with families that demonstrate a commitment to maximizing independence. The outcome of these models is to place youth with severe handicaps in supported employment. Supported employment must include paid employment in integrated work settings and ongoing support from adult service agencies.

**(b) Priority 2: Secondary and Transition Services Follow-Up/Follow-Along Projects**

This priority supports school and community-based projects to improve tracking systems for youth who complete or leave secondary programs and to revise curriculum and/or program options based on continued analysis of outcome data. Models funded under this competition are expected to emphasize the following: (1) A commitment to enhance existing procedures for a follow-up/follow-along system for all youth who complete or leave secondary education, and (2) revision of existing program options to improve outcomes for youth with handicaps completing or leaving school. Placement status of youth in the community must be the performance standard used to target these outcomes.

**Program Authority:** 20 U.S.C. 1425. (Catalog of Federal Domestic Assistance No. 84.158; Secondary Education & Transitional Services Programs for Handicapped Persons)

Dated: December 4, 1987.

**William J. Bennett,**  
Secretary of Education.

[FR Doc. 87-29203 Filed 12-18-87; 8:45 am]

BILLING CODE 4000-01-M



Department of Education

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**Monday  
December 21, 1987**

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**Part IV**

**Department of  
Education**

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**Invitation of Applications for New  
Awards Under the Vocational  
Rehabilitation Service Projects for  
American Indians With Handicaps  
Program for Fiscal Year 1988; Notice**



**DEPARTMENT OF EDUCATION****[CFDA No. 84.128H]****Invitation of Applications for New Awards Under the Vocational Rehabilitation Service Projects for American Indians With Handicaps Program for Fiscal Year 1988**

*Purpose:* This program supports projects that provide vocational rehabilitation services to American Indians with handicaps who reside on Federal and State reservations. Governing bodies of Indian tribes and consortia of such bodies located on Federal and State reservations may apply for these grants.

*Deadline for Transmittal of Applications:* March 31, 1988.

*Applications Available:* January 25, 1988.

*Available Funds:* \$804,000.

*Estimated Range of Awards:* \$180,000 to \$220,000.

*Estimated Average Size of Awards:* \$200,000.

*Estimated Number of Awards:* 4.

*Project Period:* 12 Months to 36 Months.

*Applicable Regulations:* (a) Regulations governing the Vocational Rehabilitation Service-Projects for American Indians with Handicaps Program (34 CFR Part 369 and 371); and (b) the Education Department General

Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78.

*For Applications or Information*

*Contact:* Frank S. Caracciolo, Office of Developmental Programs, Rehabilitation Services Administration, U.S.

Department of Education, 400 Maryland Avenue SW., Room 3320 Switzer Building, MS 2312, Washington, DC 20202. Telephone: (202) 732-1340.

*Program Authority:* 29 U.S.C. 750.

Dated: December 15, 1987.

**Madeleine Will,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 87-29204 Filed 12-18-87; 8:45 am]

BILLING CODE 4000-01-M



**Department of Education**

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**Monday  
December 21, 1987**

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**Part V**

**Department of  
Education**

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**National Institute on Disability and  
Rehabilitation Research; Final Funding  
Priorities for Fiscal Year 1988; Notice**

## DEPARTMENT OF EDUCATION

### National Institute on Disability and Rehabilitation Research; Final Funding Priorities for Fiscal Year 1988

**AGENCY:** Department of Education.

**ACTION:** Notice of final funding priorities for fiscal year 1988.

**SUMMARY:** The Secretary of Education announces final funding priorities for research activities to be supported under the Rehabilitation Engineering Center (REC) program of the National Institute on Disability and Rehabilitation Research (NIDRR) in fiscal year 1988.

**EFFECTIVE DATE:** These priorities take effect either 45 days after publication in the *Federal Register* or later if Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Betty Jo Berland, National Institute on Disability and Rehabilitation Research (Telephone: (202) 732-1139). Deaf and hearing-impaired individuals may call (202) 732-1198 for TTY services.

**SUPPLEMENTARY INFORMATION:** Authority for the Rehabilitation Engineering Center program of NIDRR is contained in section 204(b)(2) of the Rehabilitation Act of 1973, as amended. Under this program, awards are made to public and private agencies and organizations including institutions of higher education, Indian tribes, and tribal organizations. NIDRR can make awards for up to sixty months.

NIDRR supports a program of Rehabilitation Engineering Centers (RECs) that conduct coordinated programs of advanced research of an engineering or technological nature. RECs work to develop systems for the exchange of technical and engineering information and to improve the distribution of technological devices and equipment to individuals with handicaps. Each REC must be located in a clinical rehabilitation setting and is encouraged to collaborate with institutions of higher education.

Each REC conducts a program of research, scientific evaluation, and training that advances the state of the art in technology or its application; contributes substantially to the solution of rehabilitation problems; and becomes an acknowledged center of excellence in a given subject area. RECs are encouraged to develop practical applications for their research through scientific evaluation activities that validate their findings as well as related findings of other centers. RECs generally

conduct training programs to disseminate and encourage utilization of new rehabilitation engineering knowledge through such means as development of or contribution to undergraduate and graduate texts and curricula, in-service training, continuing education, and the distribution of information and appropriate technology. Each REC must ensure that all training and information materials developed by the Center are presented in several formats that will be accessible to individuals with various types of sensory and mobility impairments.

NIDRR regulations authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 353.32). NIDRR will conduct, not later than three years after the establishment of any REC, one or more reviews of the activities and achievements of the Center, to include review by peers. Continued funding depends at all times on satisfactory performance and accomplishment in accordance with the provisions of 34 CFR 75.253.

NIDRR published a Notice of Proposed Priorities in the *Federal Register* on August 21, 1987 at 52 FR 31730. NIDRR received some comments on these proposed priorities. While many of the comments made good suggestions, NIDRR believes that the meritorious suggestions are either encompassed or implied in the scope of the priorities as proposed. Therefore, no changes were made to the priorities as proposed. A summary of the comments and the Secretary's responses to them is included at the end of this notice.

The publication of these final priorities does not bind the Federal Government to fund projects in any of these areas. Funding of particular projects depends on the availability of funds and on the number and quality of the applications that are received in response to the priorities. The closing date notice for these Centers was published on August 24, 1987 in the *Federal Register*. The closing date was October 30, 1987. Prospective applicants were advised to base their applications on the proposed priorities. As the closing date has passed, NIDRR is no longer soliciting applications in this program.

#### Final Priorities (11)

##### *Improved Wheelchair and Seating Design*

Nearly one million Americans with handicaps use wheelchairs as their primary means of mobility. These individuals need wheelchairs that are safer, more reliable, more durable, more

versatile, and adaptable to personal requirements if they are to achieve their full potentials for independent and productive lives. Current wheelchair frames are often unstable or fragile, and the chairs are not suitable for different terrains or in all vocational, educational, recreational, or independent living settings that are important for complete community integration of individuals who use wheelchairs. Wheelchair power systems are short-term, and practical backup power systems are needed. Disabled individuals need control systems for powered wheelchairs that are durable and reliable, and can be adapted for easy use by persons with different types of functional limitations.

Wheelchair seating systems are critical for the sustained use of wheelchairs. Many disabled individuals are able to return to work, school, or community living in wheelchairs, if they have customized seating that provides appropriate support for soft tissues and for posture.

A critical element of any Center to be supported under this priority will be the involvement of disabled individuals and their families in the planning, implementation, and evaluation of the Center's activities. An REC in wheelchair development must emphasize the development of practical products and include opportunities for cooperation with industry in the various stages of product development, testing, and marketing. The Center must develop a knowledge base on the current state-of-the-art in wheelchair and seating design, maintain an information base in its area of expertise, and provide technical assistance to rehabilitation counselors, clinicians, and other providers of rehabilitation technology services. A Center in this area must make particular efforts to establish linkages with Independent Living Centers, spinal cord injury centers, and brain injury centers to obtain needs assessments and evaluations of its products.

An absolute priority is announced for an REC in this area to:

- Conduct a survey of wheelchair sale/repair establishments to assess the frequency and type of malfunctions of commercially marketed manual and electric wheelchairs and establish a research program which focuses on developing wheelchairs which do not exhibit the defects found in the survey;
- Develop new designs for both manual and powered wheelchairs that are safer and more reliable, taking into account the needs of disabled individuals of all ages;

- Develop innovative designs for manual wheelchairs that are stronger and more durable, and test the potential use of new, lightweight materials;
- Design wheelchairs that are suitable for a variety of employment and independent living activities and adaptable for various environments;
- Develop new wheelchair power systems to provide longer-lasting and more reliable power, and secondary power sources;
- Develop new wheelchair controls with appropriate back-up systems that are reliable, manageable, and adaptable;
- Design and develop cost-effective customized seating systems which will provide appropriate individual support, and also develop modular seating systems which can be used in wheelchairs as well as on other suitable bases;
- Develop training materials and provide training for rehabilitation clinicians and for wheelchair users, family members, and personal attendants in the appropriate prescription and use of wheelchairs and seating;
- Provide a resource for training of engineers and scientists in rehabilitation engineering, by hosting guest investigators from other RECs, public agencies, and private industry, or by designating Center staff for temporary assignments with other RECs; and
- Conduct two state-of-the-art studies, one on manual wheelchairs and one on electric wheelchairs.

#### *Prosthetics and Orthotics*

Several million individuals have impaired limb or spinal functions that can be ameliorated by appropriate use of effective technological devices and systems. These systems include orthoses that are implanted to replace or supplement body systems and prostheses that are attached to trunk or limbs to extend functional capacity. These types of devices are needed for disabled persons of all ages.

Existing devices and systems are often cumbersome, uncomfortable, expensive, of limited capacity, or insufficiently versatile for use in the necessary range of educational, vocational, and independent living settings. However, the state-of-the-art in such fields as electronics, materials development, computer-assisted design, and computer-assisted manufacture is sufficiently advanced to support the development of prosthetic and orthotic devices that are more reliable, adaptable, comfortable, and affordable, and provide greater enhancement of function.

A critical element of any Center to be supported under this priority will be the involvement of disabled individuals and their families in the planning, development, and review of the work of the Center. A Center in this area must serve as a national resource for information on prosthetics, orthotics, and robotics; and maintain a database on the results of research in this area. The Center must participate in the development of a system of professional exchange of researchers and clinicians with other relevant RECs, research projects sponsored by NIDRR or other agencies, Independent Living Centers, and private industry.

An absolute priority is announced for an REC in this area to:

- Conduct a program of research and development in the application of computer-aided design and computer-aided manufacture to produce improved prosthetic and orthotic devices of all types;
- Develop applications for new and improved materials (stronger, lightweight, more durable, tissue compatible) in the fabrication of prostheses and orthoses;
- Develop design criteria for prosthetic and orthotic devices intended to improve functioning in all joints;
- Evaluate current techniques for prescribing and fitting prostheses and orthoses and the accompanying control mechanisms, and develop standard procedures based on principles of biomechanics and functional requirements for the devices;
- Develop materials and provide training to clinicians, disabled consumers, rehabilitation practitioners, prosthetists and orthotists, and other relevant parties in the prescription, use, maintenance, and assessment of these aids and devices;
- Develop linkages with sources for the manufacture and distribution of these devices to assure that the most appropriate devices are prescribed, used, and evaluated; and
- Conduct at least one state-of-the-art study on prosthetics and orthotics.

#### *Transportation Systems for Persons with Disabilities*

Individuals with disabilities are often further handicapped by the inaccessibility of public transportation and the inadequacy of adaptations for personal licensed vehicles. Many persons with disabilities could live independently in the community, increase their vocational and earning potential, and participate in a full-range of educational and recreational activities if they had greater personal mobility for travel in local and distant

areas. Disabled individuals of all ages share the need for improved transportation systems to enhance their personal mobility.

There are no standards for the adaptation of personal vehicles to accommodate disabled individuals as drivers or passengers. Adaptations may compromise the structural stability and safety of the vehicles, may not provide safe and rapid exit from the vehicle or easy boarding, and may include control devices that are ineffective, unsafe, or otherwise inadequate. Seating systems and systems for securing wheelchairs in the vehicles are often unsafe and ineffective. Individuals with hearing deficits need alerting systems to facilitate safer driving.

Mass transit systems are often unsafe or inaccessible for those with mobility, cognitive, and sensory impairments. Again, safe and secure seating and wheelchair anchoring systems, emergency exit systems, and signal systems to promote the mobility of sensory impaired individuals are needed to make public transportation more accessible to persons with disabilities.

Any Center to be supported under this priority must provide for the substantial involvement of disabled persons and their families in the planning, implementation, and assessment of Center activities, especially in the assessment of needs, the nomination of products to be tested, and the evaluation of devices and systems. An REC in this area must provide for linkages with other appropriate agencies involved in the provision or regulation of public and private transportation and with private sector sources to promote the manufacture, distribution, and testing of new devices and systems. The center should serve as a national resource for information on vehicular adaptations and modifications of mass transit systems.

An absolute priority is announced for an REC to:

- Evaluate existing devices to provide safe seating and secure tie-downs for wheelchairs in both automobiles and mass transit vehicles, and develop and test new devices and systems;
- Design, develop, and test methods to provide access to and exit from personal vehicles while maintaining the structural integrity of the vehicle;
- Design, develop, and test control systems to enable persons with disabilities to drive automobiles, assuring that the control systems do not compromise the vehicle's compliance with standards set by the Society of Automotive Engineers and the United States Department of Transportation;

- Design, develop, and test safety devices such as emergency systems for use in exiting vehicles after accidents or power failures; alerting devices for hearing impaired drivers; and guidance systems to enable individuals with visual, hearing, or cognitive deficits to safely use mass transit;
- Develop materials and provide training to engineers; disabled drivers; personal attendants; rehabilitation counselors; operators of public transportation, taxicabs, and livery services; and other appropriate individuals in the adaptation and use of safe devices;
- Serve as a center of excellence in the topic, providing for the exchange of experts with industry, other public agencies, and other research and engineering centers; and
- Conduct at least one state-of-the-art study each in the areas of mass transit and personal licensed vehicles.

#### *Evaluation of Rehabilitation Technology*

Many assistive devices and other rehabilitation technologies are rarely prescribed by clinicians and are even less frequently used by persons with disabilities. Often, these devices have not been adequately tested, nor have professional and consumer responses to them been assessed. Inventors, designers, developers, or manufacturers may not have the capability to design or conduct adequate product tests. In some instances, the techniques for measurement and testing are themselves inadequate and the development and refinement of assessment methods is a prerequisite to product evaluation.

NIDRR believes that appropriate evaluation of rehabilitation technology is necessary to ensure the safety, utility, practicality, and appropriateness of devices for persons with disabilities. Adequate assessment will also increase the frequency with which clinicians make appropriate prescriptions and consumers make effective use of new technologies.

A critical element of any Center to be funded in response to this priority will be the involvement of disabled individuals in the planning, implementation, and review of the Center's activities, and specifically in the process of selecting technologies to be tested and specifying certain consumer-oriented performance criteria. A center in this area must serve as a national resource for information on establishing evaluation standards and the results of evaluation studies.

An absolute priority is announced for an REC to:

- Design and develop performance criteria and protocols for testing rehabilitation devices for the purpose of evaluating the effectiveness of the devices to restore, replace or supplement function;
- Provide a resource for technical assistance on the adaptation and implementation of evaluation protocols for product developers and manufacturers in both the private and public sectors to increase the frequency and improve the quality of product evaluation;
- Conduct direct evaluations of selected new or untested rehabilitation technologies to assess the effectiveness of the device;
- Advance the state-of-the-art in technology evaluation by developing, testing, or refining measurement methods and standard evaluation protocols;
- Develop and disseminate to service providers and disabled persons information on both testing methods and the results of tests performed by or in conjunction with the Center, assuring that all information packages are accessible to individuals with various types of disabilities;
- Provide opportunities for professional development through the temporary exchange of staff with other RECs, other government agencies such as the National Science Foundation (NSF), private industry, or other relevant organizations; and
- Conduct at least one comprehensive study of the state-of-the-art study in an important area of product evaluation, and serve as a national resource on evaluation of rehabilitation technology.

#### *Quantification of Human Physical Performance*

Effective rehabilitation is dependent on the reliable and valid measurement of changes in physical performance at various stages of the rehabilitation process. Failure to accurately assess physical capacities can lead to years of ineffective treatment.

Technological capability exists to support the development of accurate diagnostic instruments. Accurate initial diagnosis is a prerequisite to the prescription of appropriate therapeutic interventions. Measures of change in physical performance permit the assessment of rehabilitation outcomes and the redirection of treatment regimens when necessary. Such assessments are important to all aspects of physical restoration, vocational rehabilitation, and preparation for independent living. An REC in this area should capitalize on existing technologies to develop precise

instrumentation to measure baseline values of physical capability prior to rehabilitation and to track changes in performance subsequent to therapeutic intervention(s).

A critical element of any Center to be established under this priority will be the involvement of disabled individuals and family members in the planning and conduct of the Center's activities, particularly in reviewing the consumer acceptability of the various instruments and tests. The center will serve as a repository of knowledge and information on quantification of human performance.

An absolute priority is announced for an REC to:

- Design and develop safe, reliable, easy-to-use, accurate, and affordable instruments to measure active and passive range of motion and strength in the extremities and trunk;
- Design and develop instruments to measure neuromuscular system functions (i.e. spasticity) and test the effects of treatment interventions such as surgery, orthoses, exercise, functional electrical stimulation (FES), and others, on neuromuscular performance and restoration of function;
- Develop and test complete assessment systems to accurately evaluate the full range of physical performance at various stages of the rehabilitation process;
- Prepare and disseminate instructional packages in the use of new measurement instruments, and provide direct and indirect training for rehabilitation clinicians in the use of these instruments; and
- Provide for the advancement of knowledge in this area by conducting at least one state-of-the-art study in quantification of human performance and participate in time-limited professional exchange programs with NSF, National Institutes of Health (NIH), other RECs, or other appropriate agencies.

#### *Augmentative Communication Devices*

The inability to communicate in easily understood language isolates an individual and renders education, employment, or social interaction extremely difficult. The loss of effective speech can result from a birth anomaly, childhood disease, trauma, cancer, stroke, and a variety of other neurological disorders. Recent developments in systems for synthetic speech and speech recognition indicate a potential to assist communications through technology. However, existing systems are slow and difficult to operate, yield unrealistic speech, and

cannot produce print output with speed or accuracy.

An REC in this area should extend the current state of technology, develop a thorough knowledge base on the subject and serve as a national resource for information on communication devices. A critical element of any Center to be supported in this priority area will be the involvement of disabled individuals and their families in the planning, conduct, and review of all activities of the Center.

An absolute priority is announced for an REC to:

- Develop communication devices that improve the speed and accuracy of voice or print outputs;
- Develop methods and interface devices to enable individuals with a wide range of disabling conditions and functional impairments to use these augmentative communication systems;
- Develop appropriate materials for dissemination of information about augmentative communications technology to clinicians, educators, counselors, and persons with disabilities, assuring that the materials are accessible in appropriate media for individuals with all types of functional limitations;
- Provide training and technical assistance to individuals with disabilities, their family members and attendants, rehabilitation practitioners and educators on the selection, use, and maintenance of systems that augment communications;
- Develop and implement appropriate strategies to involve manufacturers and distributors in the process of making useful devices available to disabled persons;
- Provide opportunities for exchange of engineers and scientists with other RECs, NSF, NIH, National Aeronautics and Space Administration (NASA), or other appropriate sources; and
- Conduct at least one state-of-the-art study on a significant aspect of augmentative communication devices.

#### *Technologies to Promote "Hearing" in Deaf and Hearing Impaired Individuals*

Individuals who are hearing impaired due to conductive, sensorineural, mixed, or central hearing deficits may benefit from the use of comfortable and effective hearing aids. Hearing aid technology has advanced significantly in recent years, and the state-of-the-art is such that substantial further improvements can now be made in the amplification, filtering, and frequency responses to improve the quality of the sound perceived by the user.

Deaf individuals can benefit from technologies which convert sound into

tactile or visual signals. These technologies include vibrotactile devices, alarm lights and other instrumental alerts. Improved hearing aids and other devices must be developed for all age groups, and for persons with multiple handicaps, in order to facilitate education, employment, and independent living.

An REC to further develop these technologies must include deaf and hearing impaired individuals and their family members in planning and conducting its activities, must maintain an information resource in the subject, and must interface with manufacturers and distributors to promote widespread dissemination of the latest technologies. The center should serve as a national resource for information on technologies for hearing impaired individuals.

An absolute priority is announced for an REC to:

- Develop performance standards, and evaluate selected hearing aid systems for quality of amplification, frequency response, and filtration systems in clinical as well as laboratory environments;
- Design and develop new hearing aid systems that are reliable, affordable, attractive, and produce an improved quality of sound;
- Design and develop new technologies to recognize and reproduce sounds from various sources, using alternative sensory signals such as light, vibration, or tactile stimuli;
- Design and develop new, reliable alerting systems to provide deaf and hearing impaired individuals with warnings of emergencies of hazardous conditions;
- Design and develop diagnostic and prescriptive instruments and criteria to facilitate the appropriate use of these new technologies by deaf and hearing impaired individuals;
- Develop information and training materials in various media that are accessible to people with all types of disabilities, and provide training to disabled individuals and family members, clinicians, educators, counselors, third-party payers, programs for the elderly, Independent Living programs, and industry in the selection, use and maintenance of optimum technologies for "hearing"; and
- Conduct at least one state-of-the-art study on hearing aid technology and one on alternate technologies for deaf persons, and participate in the exchange of engineers and researchers with other RECs, NSF, NIH, industry, or service agencies.

#### *Functional Electrical Stimulation*

Electrical stimulation is commonly used as a rehabilitation tool with people who have neurological impairments, spinal cord injuries, scoliosis, and other medical problems. Functional Electrical Stimulation (FES) is probably best known to the public for the work that has been done over the past twenty-five years to restore limited standing and ambulation to spinal cord injured patients. However, while these experiments have received widespread media attention, FES has a much broader application in treating people experiencing a variety of neuromuscular, musculoskeletal, and other medical problems. Potential beneficiaries of FES include individuals with neuromuscular or idiopathic spinal deformities; persons with prosthetic joints; individuals with cerebral lesions due to stroke or head injury; and persons with urinary incontinence, as well as those with spinal cord injuries.

The current challenge is to develop and refine technology to extend the application of FES to other types of impairments, to improve electrodes and implantation to make FES devices more practical to use, to increase the value of FES in spinal cord injury, and to evaluate and disseminate the technology.

A critical element of any Center to be funded in response to this priority will be the involvement of disabled individuals in the planning, conduct, and evaluation of Center activities. The centers will participate in the exchange of engineers and scientists with other research and development institutions. The center must emphasize the development of practical products, and must cooperate with industry to promote manufacture, distribution, and evaluation of FES systems.

An absolute priority is announced for an REC to:

- Develop and maintain a comprehensive information base on FES, disseminating materials in accessible format to persons with disabilities, clinicians, Independent Living programs, counselors, third-party payers, and others, and coordinate the collation of research data and product information from other Centers or projects studying FES.
- Design, develop, and evaluate FES devices and systems, including personal controls for activation and feedback, to promote standing and walking for individuals with lower extremity neuromuscular impairments;
- Design, develop and evaluate improved devices and intervention

systems to increase hand and arm function in individuals with upper extremity impairments;

- Design, develop, and test external orthotic devices to improve the function, safety, and reliability of FES systems for both upper and lower extremities;
- Design and develop FES and hybrid FES/orthotic systems to stabilize trunk musculature or correct trunk deformities; and
- Conduct comprehensive state-of-the-art studies in several significant aspects of functional electrical stimulation.

#### *Modifications to Jobs, Worksites, and Educational Settings*

Disabled individuals can have significantly more employment options and educational opportunities if worksites and classrooms are modified and tasks are restructured to accommodate functional limitations. Current technology can support effective modifications to work stations, work equipment, classrooms, laboratories, auxiliary locations (such as cafeterias, lockers, or recreation areas), and improved access to all areas of schools or workplaces. Site modification is a particularly valuable approach to assisting employees and students who acquire disabilities to remain in their occupations.

The restructuring the jobs and job tasks can enable individuals with various types of functional limitations to perform tasks and jobs they would otherwise be unable to manage. These adaptations may include changing the sequence of tasks, automating parts to some tasks, converting signals from light to sound or vice-versa, or modifying tasks to utilize new tools or other technological developments.

A critical element of any Center to be supported under this priority will be the involvement of disabled individuals in the planning, conduct, and assessment of Center activities, including but not limited to, the clinical testing of proposed modifications. An REC in this area must serve as a national resource of information on the subject; must see that its findings are incorporated in other relevant databases; and must provide an opportunity for the exchange of engineers, industrial psychologists, scientists, and rehabilitation practitioners with other RECs, state rehabilitation agencies, industry, rehabilitation facilities, and other relevant resources. The Center must also develop appropriate linkages with industry—as both employers of disabled individuals and as manufacturers of adaptive equipment—to ensure that adaptations are available and used.

An absolute priority is announced for an REC to:

- Develop criteria and standards for effective modifications to school and work sites, and document the most effective means for adapting different types of environments;
- Design and develop technologies to mechanize and automate parts of production systems to enable disabled persons to perform job or educational tasks, and develop systems to reorganize tasks;
- Develop information and training programs on the use of these modifications, and provide training to disabled individuals, employers, educators, independent living programs, rehabilitation counselors, and other engineers or scientists; and
- Conduct one or more state-of-the-art studies on modifications to jobs, worksites and educational settings.

#### *Access to Computers and Electronic Equipment*

Persons with disabilities constitute a significant potential market for computers, peripherals, and other electronic devices. Disabled persons have at minimum the same needs to use computers and other electronic equipment for work, education, or independent living, as do persons without disabilities. In addition, disabled persons may have specialized uses for computers and electronic equipment to replace or extend functional abilities. However, such equipment (both hardware and software) is often inaccessible to individuals with various types of functional impairments. Computer inaccessibility may result from software reliance on visual, sound, or spoken commands, color coding, or performing two or more functions simultaneously. Hardware switches or operating keys may be physically or visually inaccessible to individuals with disabilities.

There is evidence that manufacturers are interested in making equipment accessible, but they often do not find it cost-effective to develop the necessary adaptations to accommodate the complete range of functional impairments that may be present in potential users. NIDRR proposes to support a Center to design and develop alternative access systems for standard computers and electronic devices. A critical element of such a Center will be the involvement of disabled individuals in planning, conducting, and reviewing the activities of the Center, including in the assessment of needs and the evaluation of Center products. The Center must participate in the exchange

of experts with other RECs, private industry, and other appropriate public and private agencies.

An absolute priority is announced to an REC to:

- Design and develop performance criteria for accessible computer hardware and software and other electronic devices;
- Investigate the feasibility of a standard keyboard transfer function using a serial port, to enable disabled persons to access standard computers with personal interface devices;
- Design, develop, and test new interface aids to accommodate various specific functional impairments of persons with brain injury, language disorders, upper extremity disorders, spinal injuries, sensory deficits, and other disabling conditions;
- Establish effective linkages with manufacturers and distributors of standard computers to assure testing, acceptance, and incorporation of design modifications;
- Develop and disseminate accessible informational materials and training programs to make manufacturers, distributors, disabled persons, educators, rehabilitation counselors, and others, aware of the availability of and able to use computer access systems; and
- Conduct at least one state-of-the-art study on access to computers and electronic equipment.

#### *Low Back Pain*

Low back pain is a common disabling condition, leading to lost work time and costly health care, and seriously impairing the quality of the lives of affected individuals. Diagnosed low back pain accounts for ten percent of all reported chronic conditions and is the most frequent cause of activity limitation in persons under age sixty-four. There are over one million adults disabled by low back pain, and the incidence of temporary disability is another million per year. It is estimated that low back injuries account for one-fifth of workers' compensation awards, and are among the more costly types of claims.

A critical element of any Center to be funded under this priority is the involvement of disabled individuals in planning, conducting, and reviewing all Center activities. Such a Center must become a national repository of information on the topic area; and must provide for the exchange of scientists and engineers with other RECs, NSF, NIH, NASA, or other relevant sources. In particular, this Center must interface with other NIDRR research endeavors in

spinal cord injury, prosthetics and orthotics, custom seating designs, and worksite modification.

An absolute priority is announced for an REC to:

- Identify risk factors for low back pain and develop intervention strategies which reduce the incidence of low back pain;
- Develop accurate measurement tools to assess the factors that contribute to low back pain;
- Study the use and effectiveness of currently available orthotic devices in the treatment of low back pain, and design and evaluate new orthotic devices;
- Evaluate the effectiveness of current interventions (movement, manipulation, and exercise) to reduce or eliminate low back pain;
- Assess persons not effectively treated by current intervention techniques to determine specific characteristics which predict therapeutic outcomes;
- Develop worksite modifications to reduce or eliminate low back injury, pain from injury, and lost work time;
- Develop accessible information and training materials on the latest technologies for amelioration of low back pain for clinicians, disabled persons, third-party payers, vocational counselors and employers; and
- Conduct at least one state-of-the-art study on low back pain.

#### *Rehabilitation Technology Transfer*

A major effort is required to ensure that disabled individuals receive and use the appropriate technological devices. Advances in the development of rehabilitation technology frequently are not reflected in the manufacturing, distribution, prescription, purchase, and use of appropriate technology.

Barriers to optimum use may result from lack of market knowledge, concerns about product liability, lack of incentives for production, lack of qualified technology service providers, or lack of awareness of resources to finance rehabilitation technology purchases. NIDRR proposes to establish a major effort to stimulate the production and marketing of technologies, enhance rehabilitation technology service delivery networks, elevate the qualifications of technology service providers, and assist in making new research knowledge available for existing technology data bases addressing consumers and professionals.

A critical element of any Center to be funded under this priority is the involvement of disabled individuals in planning, conducting, and reviewing all

Center activities. Such a Center must become a national repository of information on techniques of technology transfer and training technologists, and must provide for the exchange of scientists and engineers with other RECs, NSF, NIH, NASA, or other relevant sources.

This Center must interface with other NIDRR research endeavors in technology, and will assist in the provision of knowledge derived from technology research to existing consumer-oriented data bases. This Center must work closely with private industry, and with the Regional Rehabilitation Continuing Education Program (RRCEP) and other training resources to promote the adoption of improve training for rehabilitation technologists. This Center will need to propose and develop productive linkages with the new REC on Technology Evaluation and also with the two Centers that NIDRR is establishing pursuant to the Rehabilitation Act Amendments of 1986 to disseminate rehabilitation technology.

An absolute priority is announced for an REC in this area to:

- Investigate issues of product safety and product liability as barriers to the development and manufacture of rehabilitation technology;
- Investigate existing service delivery systems for rehabilitation technology in order to design and test an improved national network for delivery of rehabilitation technology;
- Develop and test accessible training materials and packages, arrange for the adoption of new training programs, and develop criteria to assess qualifications of rehabilitation technologists, in order to ensure that services to individuals with handicaps include expert technology consultation and products;
- Conduct market studies to assess the needs and characteristics of potential user populations, to stimulate production and distribution of products, and to identify resources to finance purchase of technologies by individuals with disabilities;
- Collate information from other RECs and other sources to provide reliable input on technology to data bases, such as ABLEDATA, serving consumers, service providers, and manufacturers; and
- Conduct at least one state-of-the-art study in each of the areas of technology distribution and training of technologists.

#### *Analysis of Comments and Changes*

In response to the Secretary's invitation in the Notice of Proposed Priorities, fifty-two parties submitted

comments on the proposed regulations. An analysis of the comments and the changes in the regulations since publication of the notice of proposed priorities follows.

Substantive issues are grouped according to those that are applicable generally to all or most priorities, and those that are applicable to individual priorities. The general comments are discussed first, followed by those that pertain to specific priorities. Technical and other minor changes—and changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

#### *Inclusion of Individuals With Cognitive Impairments in Various Priorities*

*Comments:* One commenter suggested that individuals with cognitive impairments, including mental retardation, are often overlooked as potential consumers of technology, and urged that individuals with these disabilities be included as providers of input and feedback for the Centers and for the evaluation of technology.

*Discussion:* The Secretary believes that the priorities as stated imply that the Centers must involve individuals with all types of disabilities, as appropriate, in Center activities. NIDRR intends that all Centers achieve this goal and will address this issue in grant negotiations and program monitoring.

*Changes:* None.

#### *General Involvement of RECs with Clinicians*

*Comments:* Several commenters noted that RECs should work closely with clinicians, including physical, occupational, and speech therapists, teachers, nurses, counselors, physicians, and others, in the assessment of technology needs and the evaluation of products.

*Discussion:* The Secretary agrees that this is an important component of all Centers and that clinicians and disabled consumers are the major sources of input and feedback. However, this is implied within the priorities as stated.

*Changes:* None.

#### *Inclusion of Reference to Individuals with Communication Impairments*

*Comments:* One commenter recommended that each priority should mention specifically that individuals with speech, hearing, and communicative disorders are among the target populations.

*Discussion:* The Secretary expects that Centers will address the needs of all appropriate disability target populations. However, the Secretary

prefers not to list all disability groups, but to advise prospective applicants generally that appropriate target groups should not be overlooked.

*Changes:* None.

#### *Number of Centers and Funding Levels*

*Comments:* Several commenters suggested that the Secretary should also invite comments on the proposed number of Centers and funding levels for the Centers.

*Discussion:* Proposed priorities are announced for comment because they have a quasi-regulatory effect in that they impose programmatic constraints on prospective applicants that are not explicitly stated in legislation. Funding levels are target estimates, and funding estimates are not considered to be regulatory actions, since the legislation does not imply any funding level or funding range for these projects. The Secretary is, however, pleased to consider comments on funding levels or other issues independent of this public comment process.

*Changes:* None.

#### *Emphasis on Very Young and Elderly Populations*

*Comments:* One commenter stated the priorities should place emphasis on the technology needs of disabled persons under three years and over sixty-five years of age.

*Discussion:* The current priorities do not preclude an applicant from focusing on any age group, and the mandate of NIDRR clearly includes these two age groups.

#### *Transportation Systems*

*Comments:* One commenter suggested that the priority on transportation systems should be broadened to include research on driver evaluations and techniques for matching equipment to disabled individuals.

One commenter suggested that the Center on Transportation systems should address the development of wheelchair batteries that are more suitable for airline travel than current wet cell or dry cell batteries.

One commenter recommended that the priority on transportation systems address policy issues in mass transit, such as elimination of barriers and public participation in policy development.

One commenter suggested that the priority on transportation systems should include increased emphasis on psychological and cognitive factors associated with the use of mass transit or personal licensed vehicles.

*Discussion:* The Secretary agrees that driver evaluation and equipment

prescription are important issues and notes that applicants are not precluded from addressing these issues in their approach to the priority as stated. NIDRR also will consider adopting priorities for research and development projects in these areas.

Similarly, prospective applicants may address the need for research on more transportable battery power systems under the present priority; however, the Secretary does not believe that all applicants should be required to address the development of batteries.

The Secretary does not believe the policy issues or issues of cognitive problems in the use of transportation technology would be addressed most effectively in the context of an Engineering Center. Instead, NIDRR encourages prospective applicants to consider addressing these issues, as well as those of driver evaluation, equipment prescription, and transportable batteries, through discrete grants in the Field-Initiated and Innovation competitions.

*Changes:* None.

#### *Quantification of Human Performance*

*Comments:* One commenter recommended that the priority on Quantification of Human Physical Performance should include assessment of the cognitive demands that assistive devices place on their users.

Several commenters stated that additional aspects of physical performance, such as speed, accuracy, endurance, steadiness, and coordination should be included in the priority for an REC in quantification of human physical performance.

*Discussion:* The Secretary agrees that assessment of cognitive needs is an important issue. However, NIDRR believes that this issue should be addressed through one or more discrete projects directed specifically to this issue. Thus, NIDRR will consider developing priorities for research and demonstration projects in this area. Interested parties are also reminded that they may apply for Field-Initiated Research grants to conduct studies of this topic.

The current priority states that the Center should develop technology to improve the evaluation of "the full range of physical performance", and thus includes the specific factors mentioned by commenters.

*Changes:* None.

#### *Functional Electrical Stimulation*

*Comments:* One commenter recommended that peripheral vascular disease be included among the disabilities to be addressed by the

Center on functional electrical stimulation.

*Discussion:* NIDRR believes that this is an important issue that will require specialized expertise and effort. Accordingly, NIDRR is considering announcing a priority for a specific project in this area in the near future.

*Changes:* None.

#### *Low Back Pain*

*Comments:* One commenter suggested that the REC on low back pain should be required to evaluate acupuncture as a current therapeutic technique.

*Discussion:* The current priority does not preclude a Center from scientifically evaluating acupuncture. However, NIDRR does not believe that all applicants should be required to evaluate this modality. NIDRR suggests that interested prospective applicants consider submitting a Field-Initiated Research application in this area.

*Changes:* None.

#### *Augmentative Communication Devices*

*Comments:* One commenter suggested that the priority on augmentative communication devices should include the development of systems that allow equal access by individuals who are speech or hearing impaired and deaf-blind persons to emergency response systems.

One commenter recommended that the priorities include an emphasis on the impact of the telecaption decoder on English language development among people who are prelingually deaf.

*Discussion:* The Secretary agrees that emergency response systems that are effective for speech-and-hearing-impaired and deaf-blind persons are a needed development. However, NIDRR has already made plans to address this issue through the Small Business Innovative Research (SBIR) program.

Similarly, it could be useful to study the effect of telecaption decoders on language development and other factors in persons who are prelingually deaf. However, NIDRR intends to address this issue through separate priorities in the SBIR program or through discrete research grants.

*Changes:* None.

#### *Wheelchair Development*

*Comments:* One commenter suggested that the priority on wheelchair development should include a greater focus on seating and on studies of wheelchair performance in a real environment.

*Discussion:* The secretary believes that the issues included in the priority are important and need to be addressed.

At the same time, applicants are not precluded from adding topics or focusing their applications on other key issues, as long as all requirements of the priority are addressed. NIDRR reminds interested parties that there are other programs, including Field-Initiated Research (FIR), Innovation Grants, and SBIR, under which such research could be pursued.

*Changes:* None.

(20 U.S.C. 761a, 762)

(Catalog of Federal Domestic Assistance No. 84.133E, National Institute on Disability and Rehabilitation Research)

Dated: December 4, 1987.

**William J. Bennett,**

*Secretary of Education.*

[FR Doc. 87-29202 Filed 12-18-87; 8:45 am]

BILLING CODE 4000-01-M



**Environmental  
Protection  
Agency**

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**Monday  
December 21, 1987**

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**Part VI**

**Environmental  
Protection Agency**

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**Agency Information Collection Activities  
Under the Office of Management and  
Budget Review; Notice**



**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-3303-2]

**Agency Information Collection  
Activities Under the Office of  
Management and Budget Review****AGENCY:** Environmental Protection  
Agency (EPA).**ACTION:** Notice.

**SUMMARY:** Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICR is available for review and comment.

**FOR FURTHER INFORMATION CONTACT:**  
Carla Levesque at EPA, (202) 382-2740  
(FTS 382-2740).

**SUPPLEMENTARY INFORMATION:****Office of Pesticides and Toxic  
Substances**

*Title:* Toxic Chemical Release  
Inventory Reporting Form—Title III  
(EPA ICR #1363)

*Abstract:* Under section 313, of SARA Title III, owners and operators of facilities in SIC Code 20-39 that manufacture, process or use chemicals (from a list of 309 individual chemicals and 20 additional categories) in excess of threshold quantities must complete a toxic chemical release inventory form and file it with the Administrator of the EPA and the appropriate State authorities annually, beginning July 1, 1988.

EPA must publish a toxic chemical release form for reporting releases, and must maintain a data base containing

the collected information, for general use by the public.

*Respondents:* Manufacturers, Processors, and Users (SIC Code 20-39) Having more than 10 Employees.

*Estimated Burden:* 13,017,417 hours.

*Frequency of Collection:* Annually.

Comments on the abstracts on this notice may be sent to:

Carla Levesque, U.S. Environmental  
Protection Agency, Office of Standard  
and Regulation (PM-223), Information  
and Regulatory Systems Division, 401  
M St., SW, Washington, DC 20460

and  
Marcus Peacock, Office of Management  
and Budget, Office of Information and  
Regulatory Affairs, New Executive  
Office Building (Room 3010), 726  
Jackson Place, NW., Washington, DC  
20503.

Date: December 18, 1987.

**Daniel Fiorino,**

*Director, Information Regulatory Systems  
Division.*

[FR Doc. 87-29353 Filed 12-18-87; 11:47 am]

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Federal Register

Vol. 52, No. 244

Monday, December 21, 1987

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.J. Res. 425/Pub. L. 100-193

Making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes. (Dec. 16, 1987; 101 Stat. 1310; 1 page) Price: \$1.00

**CFR CHECKLIST**

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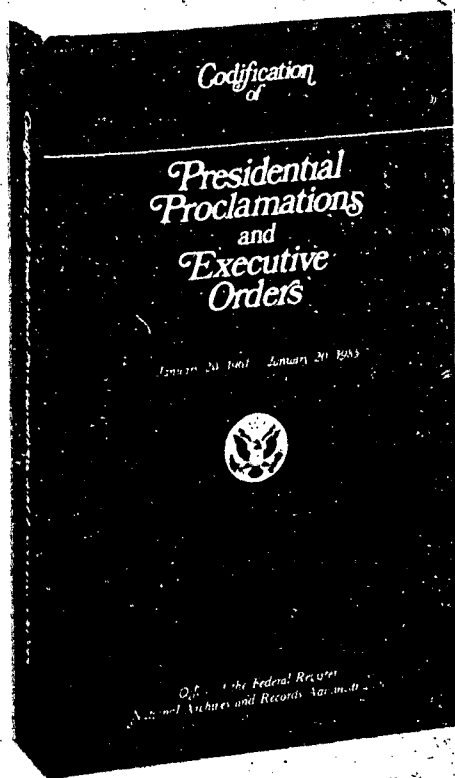
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<sup>4</sup> The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

<sup>5</sup> The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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